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**A SCANDAL IN THE BRITISH EMPIRE: CHILD
GUARDIANSHIP, THEOSOPHY, SEXUALITY AND
FATHERHOOD IN BESANT V. NARAYANIAH**

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SCHOOL OF HUMANITIES

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**A Scandal in the British Empire: Child Guardianship,
Theosophy, Sexuality and Fatherhood in *Besant v.*
*Narayaniah***

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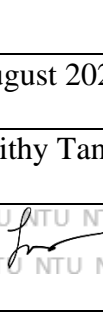
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fulfilment of the requirement for the degree of Master of Arts

2023


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Summary

This MA thesis expands upon existing research into colonial scandal, using a microhistory of the guardianship case involving Jiddu Krishnamurti, Annie Besant and Charles Leadbeater, which took place in twentieth-century colonial Madras and London courts from 1912 to 1914. It explores the hitherto unresearched connections between childhood, sexuality, Theosophy and fatherhood in the case of *Besant v. Narayaniah*. The thesis argues that this scandal reveals a complex interaction involving colonial contradictions and discussions about colonial boundaries that were emerging at the beginning of the twentieth century. This thesis is structured into four sections, with each chapter centered around a key individual involved in the case: Annie Besant, Charles Leadbeater, Jiddu Krishnamurti, Jiddu Narayaniah.

The initial chapter delves into Annie Besant, examining how her self-representation as a maternal figure shaped her positioning as the boys' guardian in court. Her leadership within the Theosophical Society and the esoteric teachings that came to light during legal proceedings played crucial roles in the evolution of the scandal. The second chapter focuses on Charles Leadbeater, investigating how discussions regarding alleged sexual misconduct, homosexuality, and pedophilia were central to concerns of moral decline in colonial India, Australia and metropolitan Britain. The third chapter addresses the negotiations of definitions of childhood, particularly in the context of Jiddu Krishnamurti, delving into the evolving perceptions of childhood and the changing boundaries of age that were subjects of debate within the case. In the final chapter, which centers on Jiddu Narayaniah, Krishnamurti's father, the focus is on the connections between the history of child removal in colonial India and the assertion of patrilineal rights, as well as the role of jurisdiction.

Chapter 1 - Introduction

The Microhistory of a Scandal

In 1914, the topmost court in the British Empire, the Judicial Committee of the Privy Council, heard an appeal from the Madras High Court which involved the guardianship of a young Jiddu Krishnamurti, contested between his father, Jiddu Narayaniah and Annie Besant, famed Theosophist and feminist activist in colonial India.¹ More specifically, the judges debated whether it was valid to uphold the appeal from the Madras High Court in favour of returning Krishnamurti and his brother, Nityananda, to the custody of their biological father. The legal tussle over child custody would not have been exceptional if not for the escalation of the case to the highest court in the British Empire, the involvement of Annie Besant and the intrigue of the relatively new occult religion of Theosophy. The fallout of the legal conflict was sensationalised by English-language newspapers in India, Britain and throughout the British Empire, which covered extensive debates over child welfare, the encroachment of Theosophy and the question of valid guardianship.² The outcome of the case was a rejection of the previous judgments in colonial India, rejecting the return of the guardianship of the boys to their father and allowing Besant to retain custody of the children in England.³ This thesis examines the scandal surrounding the 1912 *Besant v. Narayaniah* case as a

¹ The main protagonists in *Besant v. Narayaniah* were: Annie Besant (1847-1933), who was the president of the Theosophical Society and became the legal guardian of Jiddu Krishnamurti and his younger brother, Jiddu Nityananda (1898-1925) in 1909; Charles Leadbeater (1854-1934), high-ranking member in the Theosophical Society and alleged sexual offender in the case; Jiddu Krishnamurti (1895-1986), born in Madras to a Telugu Brahmin family, who later left the Theosophical tradition in 1929 and became a famous philosopher and writer; Jiddu Narayaniah (?-1924), the father of Krishnamurti and Nityananda, and filed the initial plaint against Besant to demand the return of guardianship in 1912. I focused on the specifics of guardianship and sexuality in relation to this case in my final Year Project as part of the requirements for my Bachelor of Arts in History at NTU, see Fidellithy Tan, 'Krishnamurti's Case: Child Guardianship and Sexuality in Colonial India,' Final Year Project (FYP), Nanyang Technological University, 2021, <https://hdl.handle.net/10356/147256>.

² The papers for the case are stored as part of the Printed Cases in Appeal (PCAP) in the National Archives at Kew in the UK, as Judgment No. 48 of 1914. It also includes the printed case papers for the initial 1912 lawsuit at Chingleput District Court and the subsequent appeal by Annie Besant in 1913 at the Madras High Court. See PCAP 6/648. The case file is just over 1205 pages in length.

³ NA/PCAP 6/648, 'On Appeal from the High Court of Madras,' No.23 of 1914, 1-12.

microhistory, and seeks to answer the question: how and why did this case become a scandal in early twentieth-century colonial India, and even across the British Empire?

The very nature of scandal underpins the questions I seek to address in this thesis, which in turn provides a launchpad to delve into broader issues that this case reveals about the perceptions and debates over childhood, homosexuality, guardianship, and jurisdiction in colonial India and the wider empire. While there has not been a vast amount of work on scandal, some historians have analysed the significance of scandals in the empire.⁴ Nicholas Dirks has argued that “empire has always been a scandal,” which “became normalised in the assumptions and categories of modernity itself” that relied on binaries which separated the colonisers from the colonised. He suggests that scandals, especially those that involved prominent political figures, were distractions from wider systemic issues with the empire, which made examples of several individuals who were punished with “unreasonable violence,” in order to maintain power hierarchies.⁵ Scandals generated debates and criticisms over perceived “transgressions of social and political boundaries,” which further delineated acceptable norms and entrenched taboo behaviour.⁶ While scandals raise public awareness of the moral corruption of its subjects, they were also key in justifying colonial rule through establishing the facade of colonial justice and demonstrating the tentacles of power that held

⁴ Some historians have written about scandal, such as Anna Clark, who has written about sexual scandals and politics in eighteenth-century Britain, and Kirsten McKenzie’s work on scandals in colonial Australia and South Africa. Nicholas Dirks has worked on the politics of scandal in colonial India and its links to the metropole, while James Epstein covers a broader history of colonial power as scandal in the British Atlantic. See: Anna Clark, *Scandal: The Sexual Politics of the British Constitution*, (Princeton, NJ: Princeton University Press, 2004); Nicholas B. Dirks, *The Scandal of Empire: India and the Creation of Imperial Britain*, (Cambridge, Mass.: Belknap Press, 2008); James Epstein, *Scandal of Colonial Rule: Power and Subversion in the British Atlantic during the Age of Revolution, Critical Perspectives on Empire*, (Cambridge; New York: Cambridge University Press, 2012); Kirsten McKenzie, *Scandal in the Colonies: Sydney and Cape Town, 1820-1850*, (Carlton, Vic: Melbourne University Press, 2004).

⁵ Dirks, *The Scandal of Empire*, 29.

⁶ Epstein, *Scandal of Colonial Rule*, 64.

the hierarchies and norms of empire in place.⁷ James Epstein also suggests that scandals were bound to be forgotten “unless linked to wider programs of [political] reform.”

In a similar vein, in her study of Sydney and Cape Town, Kirsten McKenzie has argued that public obsession over scandal stemmed from the need to manage respectability and reputation, which in turn demonstrated the limits of acceptable social and moral norms.⁸ The very nature of scandals, which permeated the boundaries between public and private life, revolved around “dramas of knowledge and concealment.”⁹ Scandals could be utilised to further support or oppose social change, since prominent figures entangled in scandal would rise or fall in respectability and influence within society.¹⁰ In the British Empire, scandals in the colonies were never isolated despite the geographical distance from the metropole. Colonial scandals were always discussed in terms of the metropole’s response to them, since colonisers recognised that they were beholden to British public opinion, which could influence important metropolitan decisions over the colonies. Adherence to the norms of British middle-class respectability thus became important for both colonisers and the colonised who wished to remain in the good graces of colonial society.¹¹ McKenzie argues that the historical importance of scandals is twofold: they reveal the nature of daily social interactions in metropole and colonies, while also painting a bigger picture of how social change and modernity were taking shape across the empire.¹²

⁷ Dirks, *The Scandal of Empire*, 30; Epstein, *Scandal of Colonial Rule*, 179. Danna Agmon has also pointed out that “scandals and trials provided privileged opportunities for hashing out the meaning and shape of sovereignty in both its Indian and its European guises,” especially in the unstable context of colonial authority in eighteenth century South Asia. See Danna Agmon, *A Colonial Affair: Commerce, Conversion, and Scandal in French India*, (Ithaca, NY: Cornell University Press, 2017).

⁸ McKenzie, *Scandal in the Colonies: Sydney and Cape Town, 1820-1850*, 8.

⁹ *Ibid.*, 9.

¹⁰ *Ibid.*, 11.

¹¹ *Ibid.*, 13.

¹² *Ibid.*, 184.

Broader analysis on the reverberations of sexual scandal in the empire is also key in understanding *Besant v. Narayaniah*, since the main impetus for Narayaniah to demand the return of guardianship of his children was the controversy over Leadbeater's history as an alleged child sexual offender, as well as incidences of sexual abuse with Krishnamurti. Anna Clark argues that sexual scandal goes beyond the average political or financial colonial scandal by "forc[ing] us to question the division between the public and the private," which can be "a shaky one."¹³ The nature of sexual scandals made them universally relatable and understood, unlike the tedium of complicated financial or political proceedings which turned into scandals.¹⁴ The questions raised by sexual scandals primarily centered around the confines of sexual morality, as well as the extent to which private acts could affect public reputation and standing.¹⁵ Sexual scandals that focused on homosexual and so-called "effeminate" male behaviour were common as political attacks in eighteenth century Britain. This extended into nineteenth and early twentieth century Britain, what was described as sodomy was seen as inextricably linked to hedonistic pleasure, which would eventually lead to moral and social corruption.¹⁶ This bears similarity to *Besant v. Narayaniah*, since Leadbeater's alleged homosexual behaviour was of notable concern to colonial courts and newspapers due to potential moral corruptibility as a white man in colonial India. The ideal middle-class white British man was expected to resist behaving in supposedly sexually deviant ways, which could indicate deep flaws in character.¹⁷ In turn, this would have the potential to affect the reputation of British men in the colony as morally superior, since they were presumed to be in much greater control of their base desires than Indian men. An

¹³ Clark, *Scandal*, 1.

¹⁴ *Ibid.*, 2.

¹⁵ *Ibid.*, 2.

¹⁶ *Ibid.*, 10.

¹⁷ Charles Upchurch, "Liberal Exclusions and Sex between Men in the Modern Era: Speculations on a Framework." *Journal of the History of Sexuality* 19, no. 3 (2010): 421, [doi:10.1353/sex.2010.0017](https://doi.org/10.1353/sex.2010.0017).

analysis of Besant v. Narayaniah echoes the arguments made about the historical importance of scandal as revealing of the tensions between personal and private lives, the need to manage reputation and respectability in colonies and the metropole, as well as a presentation of prevailing power hierarchies. This thesis expands on the aforementioned points by integrating the themes of race, sexuality, childhood, guardianship and Theosophy in colonial India and the wider empire, showing how sexual scandal was part of a larger web of colonial anxieties over the instability of legal rulings and varying media coverage in the colonial and metropolitan context.

The thesis is centered around a microhistory of a scandal in early twentieth century colonial India.¹⁸ The historical wave that we consider as the ‘microhistory’ today started in the middle of the 1970s, with prominent works on European history such as Emmanuel Le Roy Ladurie’s *Montaillou* and Carlo Ginzburg’s *The Cheese and the Worms*. The next decade saw more microhistories being published, with the likes of Natalie Zemon Davis’ *The Return of Martin Guerre* and Giovanni Levi’s *Inheriting Power*.¹⁹ The focus on specific individuals, events and places, as well as the usage of sources such as inquisition records or oral interviews, led contemporaries to term this historiographical turn as “the return of the narrative.” These “narratives” moved away from the typical research scope of the nation-state to scrutinise social and cultural history on the level of micro phenomena.²⁰ Microhistory has

¹⁸ Some examples of South Asian microhistories include: Agmon, *A Colonial Affair*; Clare Anderson, *Subaltern Lives: Biographies of Colonialism in the Indian Ocean World, 1790-1920*, (Cambridge: Cambridge University Press, 2012); Partha Chatterjee, *A Princely Impostor? The Strange and Universal History of the Kumar of Bhawal*, (Princeton, N.J: Princeton University Press, 2002); Richard M. Eaton, *A Social History of the Deccan, 1300–1761: Eight Indian Lives*, (Cambridge: Cambridge University Press, 2005).

¹⁹ Natalie Zemon Davis, *The Return of Martin Guerre*, (Cambridge, Massachusetts: Harvard University Press, 1984); Carlo Ginzburg, trans. John and Anne Tedeschi, *The Cheese and the Worms: The Cosmos of a Sixteenth-Century Miller*, (Baltimore, Maryland: Johns Hopkins University Press, 1980); Emmanuel Le Roy Ladurie, *Montaillou: Cathars and Catholics in a French Village 1294–1324*, trans. Barbara Bray, (Harmondsworth, Eng.: Penguin, 1980); Giovanni Levi, *Inheriting Power: The Story of an Exorcist*, trans. Lydia G. Cochrane, (Chicago: University of Chicago Press, 1988).

²⁰ Matti Peltonen, “Clues, Margins, and Monads: The Micro-Macro Link in Historical Research,” *History & Theory* 40 (Oct. 2001): 347-8.

typically focused on excavating subjects that appear exceptional, while also demonstrating what a microanalysis tells us about broader trends.²¹ This is also known as the “method of clues,” which posits that exceptional phenomena can be “a sign of a larger, but hidden or unknown, structure.” Matti Peltonen has written about the temporal and spatial aspect to this micro-macro link, where a particular phenomenon is taken as the center to expand on by linking it to its historical context.²² This micro-macro link is crucial to the significance of microhistory studies in historiography, but there have been alternative ways in which historians have conceptualised microhistories. The French historian Michel de Certeau highlighted the importance of examining marginalised peoples and events, such as ‘witches’ and witchcraft trials, to give a voice to those who were considered ignorant. De Certeau believed that it was possible to understand their actions and thoughts logically when put into context with the macro, even if they seemed too distant or too out of the norm. As Peltonen puts it, these microphenomena are easier to analyse because “marginal areas have clear relationships with their ‘mother areas’ or central places; there is continuity among them by definition.”²³ De Certeau explains that phenomena which appear to deviate from social scientific models of social structure reveal “significant deviation” within those structures, which does not differ much from the “method of clues,” except perhaps in its intention of making what seems to be at the borderline understandable. These two methods do, however, lead to the same overarching significance of the microhistory – an analysis of exceptional events can provide a deeper understanding of *both* “exceptionality” and “typicality.”²⁴ The micro-macro link thus reveals continuities in seemingly disjointed events, where a seemingly exceptional ‘clue’ or ‘deviation’ can always be linked to broader conclusions about variations

²¹ Giovanni Levi, “On Microhistory,” in *New Perspectives on Historical Writing*, ed. Peter Burke, 93-113. (Cambridge, UK: Polity, 2001); Peltonen, “Clues, Margins, and Monads,” 353.

²² Peltonen, “Clues, Margins, and Monads,” 349.

²³ *Ibid.*, 351-3.

²⁴ Levi, “On Microhistory,” 93-113.

in the macro. I concur with this approach to microhistory, which I shall take on in this thesis. The case appears to be ‘exceptional’ due to its high-profile nature, and also because it went all the way up to the Judicial Committee of the Privy Council in London, which was the highest court in the British Empire. Julia Stephens has highlighted how the methodology of microhistory is useful for legal historians to flesh out the links between “the particular and the general, tying together the different scales on which law operates.” Examining a singular case enables historians to move between different scales in the British Empire to provide a more integrated analysis of macro and micro viewpoints, which demonstrated how imperial power functioned through movement in colonial legal cases.²⁵ Beyond the exceptionality of the case, it has also been cited in over ninety-five cases in Indian High Courts from 1915 to 2021, ranging from issues of jurisdiction, the natural rights of the biological father, and its interpretation of the 1890 Guardians and Wards Act.²⁶ This demonstrates how the case was significant in deciding subsequent cases on guardianship in colonial and postcolonial India.

Through a critical reading of court documents and newspapers, this thesis demonstrates how the legal and media scandal over the case stemmed from anxieties over feminism, motherhood, sexuality, child protection, patrilineal rights in the British Empire. I argue that despite the exceptionality of the case in its high-profile nature, the heart of the scandal was a tense negotiation of colonial dichotomies, as well as debates about colonial boundaries that were taking root at the start of the twentieth century. Yet, despite initially successful attempts in challenging colonial interpretations of guardianship law, colonial subjects involved in the case only strengthened the legitimacy of the colonial state in its

²⁵ Julia Stephens, "An Uncertain Inheritance: The Imperial Travels of Legal Migrants, from British India to Ottoman Iraq," in *Law and History Review* 32, no. 4 (2014): 771-772.

²⁶ See the full list of cases that cite *Besant v. Narayaniah*:
<https://indiankanoon.org/search/?formInput=citedby:1214788>.

hierarchy of metropolitan and subcontinent courts. This thesis is sectioned into four parts, with each chapter focused on one of the main persons involved in *Besant v. Narayaniah*. However, these chapters do not present biographical narratives. The people involved in the case are starting points for this microhistory, and I delve into the broader themes related to their part in the case. The chapter on Annie Besant examines how the development of her personal history and feminist activism affected the ways in which she positioned herself as the boys' mother in court. Her role as the leader of the Theosophical Society, as well as the occult teachings and practices revealed in the legal proceedings, were key contributing factors to the makings of the scandal. In the chapter on Charles Leadbeater, I explore how debates over alleged sexual abuse, sodomy and paedophilia were central to concerns of moral corruption in colonial India.²⁷ The chapter also expands the geographical scope by examining varying media interpretations of the sexual scandal between colonial Australia and metropolitan Britain, comparing differing attitudes towards European men such as Leadbeater, who allegedly transgressed sexual conventions. The scandal of the moral corruption of childhood is dealt with in the chapter on Jiddu Krishnamurti, especially in how changing perceptions of the nature of childhood and the boundaries of numerical age were debated in the case. The final chapter on Krishnamurti's father, Jiddu Narayaniah, probes the connections between the history of child removal in colonial India based on race and class, patrilineal rights, and the role of jurisdiction in the controversial outcome of the case in London. The individual strands of each chapter intersect by exposing how different positionalities experienced the same case, which ultimately favoured Besant and Leadbeater over Krishnamurti's father. *Besant v. Narayaniah* set a precedent for subsequent cases of

²⁷ I use the word 'sodomy' in the colonial legal context, which does not make a distinction between consensual and non-consensual sex between males, or sex between adults and the sexual abuse of children.

guardianship and jurisdiction in colonial India, further entrenching colonial understandings of scandal, sexual conventions, childhood, patrilineal rights and jurisdiction.

The Case: *Besant v. Narayaniah*

In 1895, Jiddu Krishnamurti was born to a Brahmin family in Madras, India. His brother, Nityananda, was born three years later in 1898. The two boys were raised in Madras by their father, Narayaniah. As Narayaniah became more involved in Theosophy, he eventually left his job in the colonial civil service to work for the Theosophical Society in 1908. Theosophy is an occult religious movement from the nineteenth century which draws upon the beliefs of Eastern religions, especially Hinduism and Buddhism, in its Western esoteric beliefs. The fate of the two young boys changed in 1909, when Charles Leadbeater, a British schoolmaster and high-profile member of the Theosophical Society, spotted them swimming in the waters near Adyar. Leadbeater proclaimed that Krishnamurti was the next World Teacher, who would grow up to become the new Vehicle for the Lord Maitreya, and later the incarnation of Christ. He made his 'discovery' known to Besant, who quickly decided to gain custody of Krishnamurti and Nityananda to train the former, who would become the next great Theosophical leader. In March 1910, Annie Besant formally became the guardian of the two boys. She was responsible for their maintenance and education, and promised Narayaniah that the two boys would have the opportunity to eventually study at Oxford University. Yet, just two years later, Narayaniah lodged a plaint with the Chingleput District Court to rescind Besant's guardianship in July 1912, alleging that Leadbeater had a history of child abuse and paedophilia. By then, Besant and Leadbeater were also no longer keen on providing higher education for the two boys, choosing to homeschool them for their future roles in the

Theosophical Society, which went against Narayaniah's initial conditions for handing over custody of the boys to Besant.²⁸

Besant and Narayaniah were unable to reach a compromise, and Narayaniah eventually took Besant to court in October 1912, filing his claim for guardianship in the Chingleput District Court. Narayaniah regained custody of his sons in 1913, when the Madras High Court ruled in his favour since he was the "natural father" of the children in question. The 1890 Guardian and Wards Act was central to the judgement, which allowed Indian courts to override personal laws and decide on the appropriate guardian for minors. Prior to the passing of the Act, colonial courts decided on guardianship through Hindu or Muslim personal law, which was derived from the Shastras and the Qur'an respectively. This was unlike in the metropole, where lawmakers had come to reconcile Christian beliefs with secular civil laws. However, the Guardians and Wards Act in India did incorporate Hindu patrilineal Vedic laws, which prioritised the rights of male parental figures, especially the biological father, in making decisions in custody cases.²⁹

²⁸ There have been biographies written about Annie Besant, Charles Leadbeater and Jiddu Krishnamurti that have mentioned this case in passing, but they have not been reviewed to academic standards. See: Anne Taylor, *Annie Besant: A Biography*, (Oxford; New York: Oxford University Press, 1992); Gregory Tillet, *The Elder Brother: A Biography of Charles Webster Leadbeater*, (London: Routledge, 1982); Mary Lutyens, *Krishnamurti: The Years of Awakening*, (Boston, Mass: Shambhala Publications, 1975). Tillet, *The Elder Brother*, 103-4, 112; *Annie Besant vs G. Narayaniah*, 16 Bombay Law Reporter (BOMLR) 625 (1914) at para. 2, <https://indiankanoon.org/doc/1736356/>.

²⁹ Guardians and Wards Act (1890), <https://indiankanoon.org/doc/1874830/>. For a brief history of the legal history of guardianship laws in India, see Tan, 'Krishnamurti's Case,' 9-11. Some legal journal articles have also covered the Act, such as: Savitri Goonesekere, "The Best Interests of the Child: A South Asian Perspective," *International Journal of Law and the Family* 8, no. 1 (1994): 117-150; Arun Kumar, "Guardianship and Custody of the Person of a Minor Child — Conflicting Claims," *Journal of the Indian Law Institute* 17, no. 2 (1975): 299-311; Asha Bajpai, "Custody and Guardianship of Children in India," *Family Law Quarterly* 39, no. 2 (2005): 441-57. For more on personal laws, see: Eleanor Newbiggin, *The Hindu Family and the Emergence of Modern India: Law, Citizenship and Community*, (Cambridge: Cambridge University Press, 2013); Chandra Mallampalli, "Escaping the Grip of Personal Law in Colonial India: Proving Custom, Negotiating Hindu-Ness," *Law and History Review* 28, no. 4 (November 2010): 1045-6, <https://doi.org/10.1017/S0738248010000763>; Julia Stephens, *Governing Islam: Law, Empire, and Secularism in South Asia*, (Cambridge: Cambridge University Press, 2018).

The definition of child welfare in the Act was constantly debated in the case.³⁰ While Besant lost the initial case and had to return the children, the legal costs for the case were borne by Narayaniah, including Besant's fees. However, Besant delayed the return of the boys. In another attempt to keep the boys, Besant lodged an appeal against the judgement of the Madras High Court. In 1914, she brought the case to the highest court of appeal for British colonial subjects – the Judicial Committee of the Privy Council in England. Yet, Narayaniah's claim hinged on his allegations against Leadbeater and the evidence against Leadbeater appeared damning. Besant's servant provided testimony describing Leadbeater in a sexual encounter with Krishnamurti. There were also allegations that Leadbeater had conducted yoga sessions which were in fact group masturbation sessions for the young boys.³¹ However, the Privy Councillors decided in favour of Besant. They reasoned that since the boys had resided in England from 1911 onwards, the case was beyond the jurisdiction of colonial India courts, and therefore overruled the initial ruling made in the Madras High Court. In addition, they noted that Krishnamurti and Nityananda had not voiced any opposition against Besant or Leadbeater's care. The high-profile case ended in 1914, since Narayaniah was unable to appeal against the Privy Council's decision unless he could travel to England himself.³²

In the months after the victory of Besant's appeal to the Judicial Committee of the Privy Council in 1914, Krishnamurti found himself all alone in England. His brother, Nityananda had been sent off to Oxford to study with a private tutor. Besant was absorbed in

³⁰ References to the Guardians and Wards Act are found in PCAP 6/648.

³¹ Historians of Besant and Krishnamurti have largely neglected *Besant v. Narayaniah*, but Mitra Sharafi's doctoral dissertation briefly covers the case. She uses it as a comparative case study to a microhistory that involves the legal history of Parsis in colonial Bombay. Sharafi examines the Privy Council Appeal of *Saklat v. Bella*, which was a dispute over the adoption of an Indian orphan by Parsis. She states that the single case method has been used "as a point of entry into the legal history of colonial South Asia." Yet, she also writes that the case is "unremarkable but representative of some larger phenomenon, or unrepresentative but remarkable." Sharafi, 'Bella's Case,' 2, 4, 97.

³² Taylor, *Annie Besant*, 297-8.

her involvement in Indian Home Rule by 1915 and was occupied with politics, and she would become the president of the Indian National Congress for a year in 1918 before being succeeded by Gandhi. Leadbeater would travel around Burma, Java, Australia and New Zealand in 1914 to give Theosophical lectures, and he eventually settled down in Australia after the success of his endeavour.³³ In January 1922, Krishnamurti and Nityananda would eventually see their father one last time in Triplicane, Madras before Narayaniah passed away in 1924 – Krishnamurti reported that while him and his brother attempted to make amends with their father, they were still viewed as pariahs.³⁴ Nityananda would eventually pass away prematurely in November 1925 from poor health, which heavily affected Krishnamurti. By 1929, Krishnamurti had grown disillusioned with the Theosophists, dissolving the Order of the Star in August and resigning from the Theosophical Society. Annie Besant died in September 1933 in Adyar after being ill for a few years, with Charles Leadbeater passing away not long after in March 1934 in his adopted homeland in Perth. Krishnamurti would go on to publish numerous books and travel the world to give talks on spirituality, becoming a famous philosopher in his own right beyond his Theosophical upbringing. He would eventually die of pancreatic cancer in February 1986.³⁵

The case was covered across the British Empire, and I focus on English-language newspapers in India, Australia and Britain. There were at least sixty articles over the course of the case in the various English-language Indian newspapers, which catered to Indian

³³ Lutyens, *Krishnamurti*, 66-7.

³⁴ *Ibid.*, 101. “Nitya wrote to Mar de Manziarly, ‘Nous avons vue notre père qui est gaga, notre frère aîné qui est vraiment pas mal, notre frère cadet qui est fou.’) [We saw our father who is gaga, our older brother who is really not that bad, our younger brother who is crazy] All that Krishna remembers of this meeting is that he and Nitya prostrated themselves before their father and touched his feet with their foreheads, whereupon Narayaniah immediately went and washed his feet because they had been touched by pariahs.”

³⁵ Pupul Jayakar, *J. Krishnamurti: A Biography*, (London: Arkana), 1996.

elites.³⁶ These newspapers largely condemned Leadbeater's perceived sexual immorality and Besant's refusal to give up custody of Krishnamurti and his brother to their father. Australian presses covered the case more sporadically, but the tone of the coverage tended to be more scandalous than the Indian newspapers, focusing even more on the controversy of Leadbeater's alleged sexual abuses and the failings of the Theosophical Society and its teachings. In Britain, metropolitan coverage of Besant v. Narayaniah characterised the case as a successful instance of child rescue, with Besant portrayed to be saving Krishnamurti and his brother from a life of poverty with their father.

Theosophy has been varyingly described as a religion with occult elements or as a spiritual movement on the margins of society³⁷ It was founded in New York by Helena Blavatsky, a Russian immigrant, in 1875. While the Theosophical Society was initially located in America, it was moved to Adyar, India in 1882. The core tenets of Theosophy include a syncretism of Eastern religions such as Hinduism and Buddhism, with the writings of a mysterious group of Tibetan founders known as the Masters (or 'Mahatmas') dictating universal cosmic concepts such as karma and reincarnation.³⁸ Theosophists claimed that these Masters would communicate their teachings to mediums such as Blavatsky, who would then disseminate their knowledge amongst Theosophists. By 1884, there were over a hundred

³⁶ These major English-language newspapers, both Indian-owned and Anglo-Indian, enjoyed circulation of around a few thousand in the 1910s, and tended to side with the British state more so than Hindu newspapers. See S. Natarajan, *A History of the Press in India*, (London: Asia Publishing House, 1962), 160-184.

³⁷ Some literature on Theosophy includes: Mark Bevir, 'Theosophy and the Origins of the Indian National Congress,' *International Journal of Hindu Studies* 7, no. 1-3 (February 2003): 99-115, <https://doi.org/10.1007/s11407-003-0005-4>; Hans Martin Krämer and Julian Strube, eds. *Theosophy across Boundaries: Transcultural and Interdisciplinary Perspectives on a Modern Esoteric Movement*, SUNY Series in Western Esoteric Traditions, (Albany: State University of New York Press, 2020); Nancy Fix Anderson, "'Mother Besant' and Indian National Politics," *The Journal of Imperial and Commonwealth History* 30, no. 3 (September 2002): 28, <https://doi.org/10.1080/03086530208583148>; Joy Dixon, "Theosophy," in *Key Concepts in Modern Indian Studies*, edited by Gita Dharampal-Frick, Monika Kirloskar-Steinbach, Rachel Dwyer, and Jahnavi Phalkey, 268-70. (New York: NYU Press, 2015), <http://www.jstor.org/stable/j.ctt15zc7zj.107>; Gauri Viswanathan, "The Ordinary Business of Occultism," *Critical Inquiry* 27, no. 1 (2000): 4, <http://www.jstor.org/stable/1344224>.

³⁸ Dixon, "Theosophy," 268.

branches of the Theosophical Society in colonial India.³⁹ Theosophy found popularity amongst the Indian upper middle class, which consisted of intellectuals, doctors, lawyers and teachers.⁴⁰ Theosophists also formed connections to religious followers of Hinduism and Buddhism in colonial India and Sri Lanka, who were against the encroachment of Christianity and the proselytisation of missionaries.⁴¹ Theosophical teachings allowed Indian men who had received Western education to counter its empiricist and rational foundations, and provide justification for the “Oriental spirituality” of Hinduism. Theosophists emphasised that Hinduism and Buddhism were much older than Christianity, and thus they were religions that still taught the “truths of the Ancient Wisdom,” rather than the Abrahamic teachings of Christian missionaries, who were considered “impudent and ignorant intruders.” Theosophists set up Hindu schools in colonial India, where the curriculum consisted not just of Hindu thought, but also “liberal thought from the West,” all of which was intended to inculcate “feelings of patriotism, national identity and self-esteem,” which echoed later sentiments in the anti-colonial independence movement. Influential nationalist leaders such as Mahatma Gandhi and Jawaharlal Nehru would also engage with Theosophists, with Nehru receiving private tutoring and eventually becoming a member of the Theosophical Society in 1902 at the young age of twelve.⁴²

Beyond Indian converts, Theosophy was also highly attractive to radical Europeans who held anti-imperialist and anti-colonial beliefs. It was compatible with the movement toward progressive thought in the late nineteenth century in intellectual circles, and Blavatsky espoused a universal brotherhood which was not limited to any “race, creed, sex, caste or

³⁹ Kumari Jayawardena, *The White Woman's Other Burden: Western Women and South Asia during British Rule*, (London: Routledge, 2014), 114.

⁴⁰ Viswanathan, “The Ordinary Business of Occultism,” 4-5.

⁴¹ Jayawardena, *The White Woman's Other Burden*, 117.

⁴² *Ibid.*

colour.”⁴³ In particular, Theosophy attracted a good number of European and American women, and some of them would eventually move to colonial India to become mentors and adherents to the occult religion. These women were generally from aristocratic or middle-class families and included working professionals, academics or political activists. They were typically highly independent and educated, and they saw their participation in Theosophy and associations with Indian men who were “gurus, philosophers, friends and sometimes husbands,” as a way to rebel against the patriarchal norms and values of their own society. The act of being immersed in the culture of the “Other” allowed these women to romanticise the East, its religions and its people, which contributed to the focus on a universal spirituality in the Theosophical Society.⁴⁴ These women found common ground with Indian activists who detested Christian missionaries, since both groups opposed the British colonial government and the Anglican church, which made the women sympathise with the movements against evangelisation and imperialism.⁴⁵ As the president of the Theosophical Society, Besant was obviously a prominent presence in this group of women. She was also an independent activist within the courts where she acted as her own defender, which leaves us with a multitude of legal records of her presence.

It is key to understand the power structures in the colonial archives and the presence of Besant in these records. The Privy Council record reads like a narrative, which vaguely resembles a detective novel, and the question of whether Leadbeater was truly engaged in sexual misconduct is posed to the reader over and over again. It is tempting to succumb to the narrative style of historical writing that is both logical and fills in the gaps of the historical

⁴³ Ibid.

⁴⁴ Ibid., 119.

⁴⁵ Ibid., 120.

records.⁴⁶ However, upon further examination, the veracity of the accusations against Leadbeater is almost impossible to ascertain. When faced with a situation that relies heavily on conflicting accounts, how ought the historian approach historical analysis? Given that conjecture may be the only feasible option, what degree of speculation is appropriate or permissible for the historian? The main source of documentation for *Besant v. Narayaniah* is the Privy Council papers, which compiled the legal proceedings from Chingleput, Madras and then London, along with hundreds of pages of personal documents. Yet, the boys' voices are almost entirely absent in the 1205-page file. There are three brief letters written by Krishnamurti to Besant, which were presented as the defendant's evidence. These letters pertain to recollections of his past lives and his fondness for Besant as his adopted mother.⁴⁷ They do not reveal any insight into his living conditions, the conflict over his guardianship, or any discontentment in his stay with Besant and Leadbeater. But it is crucial to consider the possibility that the letters may have undergone editorial revision, or that objectionable letters containing remarks opposing Besant's position were censored, given the fact that Besant was the individual responsible for their collection and submission. Thus, we have no knowledge of Krishnamurti's "real" thoughts on the case or the alleged sexual abuse and his relationships with Besant, Leadbeater and his father, and this gives way to a huge gap in the archives on the views of Leadbeater's alleged victims.

The use of English and the absence of vernacular languages was also an understated advantage for Besant, since she was able to draft her appeals and cross-examinations in her native language. Yet, the translations of vernacular affidavits and statements raise questions about other curated presences and absences. Although the lengthiest trial was conducted in

⁴⁶ Hayden White, *Metahistory: The Historical Imagination in Nineteenth-Century Europe*, (Baltimore and London: John Hopkins University Press, 1973); White, *The Content of the Form: Narrative Discourse and Historical Representation*, (Baltimore and London: John Hopkins University Press, 1990).

⁴⁷ NA/PCAP 6/648, 361-2, 368.

Madras, the court record only quotes witnesses in English. However, the official court documentation does not provide information regarding the language utilized during the proceedings nor does it indicate the presence or absence of a professional translator. Besant's servant, Lakshman, played a pivotal role in the contention of sexual misconduct, as he was the main court witness who recounted discovering Krishnamurti and Leadbeater together within the confines of the bathing facilities.⁴⁸ Although explicit mention of sexual abuse was absent, the courts and newspapers understood Lakshman to have been alluding to witnessing Leadbeater engaging in masturbation in the presence of, or with Krishnamurti.⁴⁹ Hence, it is imperative to exercise caution in accepting the statements literally, owing to the potential for translation or interpretation errors during the course of transcription. Historians of the vernacular in South Asia have described "translation [as] a process through which individuals, languages and cultures meet, interact and contend with one another" and "a fashioning which is uneven and changing over time, ... an act of revelation in which cultural context becomes imperative."⁵⁰ This observation highlights the systematic bias of colonial archives towards English speakers, often disregarding the processes of translations which could have shaped the records. Colonial translations can be understood as one of the many methods through which "transformations [were] worked by colonialism upon the

⁴⁸ It is worth noting, however, that the statement provided by Lakshman is solely accessible in the English language, but it is likely that this was a translation. The linguistic proficiency of Lakshman in English cannot be ascertained by the Judicial Committee of the Privy Council or the reader. However, as a servant he likely had limited English proficiency.

⁴⁹ Ibid., 200. The exact quotation from Lakshman: "I saw Krishnamurti and Leadbeater Sahabs. Krishnamurti's cloth was wet. Sahab's coat was up to the waist and he had no pyjamas. [Witness indicated length of shirt half-way down thigh.] I don't know what sort of a coat it was. Krishnamurti's coat was all down. The Sahab was on a chair like that with one knee resting on a chair. Krishnamurti was standing in front of him. [...] Mr. Leadbeater's hand was on Krishnamurti's hair."

⁵⁰ Charu Gupta, Laura Brueck, Hans Harder and Shobna Nijhawan, 'Literary Sentiments in the Vernacular: Gender and Genre in Modern South Asia,' *South Asia* 43, no. 5 (2020): 814. Also see Hephzibah Israel and Matthias Frenz, 'Translation Traces in the Archive: Unfixing Documents, Destabilising Evidence,' *Translator (Manchester, England)* 25, no. 4 (2019): 335–348, for similar debates on translations in the context of missionary archives in South Asia.

colonised.”⁵¹ The institutional preference for English not only perpetuated colonial inequities, but also compounds the challenges of grappling with the archives and understanding which voices have been heavily altered and which remain mostly unchanged.

Instead of any kind of recovery of the truth, I suggest that it may only be possible to look at the power structures that characterized colonial legal archives and attitudes towards child sexual abuse, which privileged Besant. The idea of reading *along* the archival grain in addition to reading *against* the archival grain is key. Ann Stoler has posited that disrupting the categories imposed by colonial archives is not enough, as it relies on the assumption that the colonial state possessed all-encompassing knowledge and that the archives possess abundant information that can be dismantled.⁵² Rather, archives should be viewed as sites of knowledge production and “system[s] of discursivity,” where comprehending the power dynamics involved in their production is more important than ascertaining their contents.⁵³ This especially applies to a case like *Besant v. Narayaniah*, where the extensivity of the archival documents may lead one to believe that the truth behind the sexual abuse allegations could be derived from the many affidavits and evidence in the Privy Council Papers. However, these archives, as well as the newspapers used in this thesis, would be better utilised as a glimpse into how scandal was understood and interpreted with the prevailing power inequalities, including social position and language, to make a broader conclusion about the forces and structures that shaped colonial India.

⁵¹ S. Shankar, *Flesh and Fish Blood: Postcolonialism, Translation, and the Vernacular*, (University of California Press, 2012), <http://www.jstor.org/stable/10.1525/j.ctt1pnrvn>, 105. Shankar quotes from Eric Cheyfitz’s *The Poetics of Imperialism*: “Translation was, and still is, the central act of European colonization and imperialism [...] the imperialist believes that, literally, everything can be translated into his terms; indeed, that everything already exists in these terms and is only waiting to be liberated.” See Eric Cheyfitz, *The Poetics of Imperialism: Translation and Colonization from “The Tempest” to “Tarzan,”* 104,195.

⁵² Ann Laura Stoler, “Colonial Archives and the Arts of Governance,” *Archival Science*, no. 2 (2002): 99-101.

⁵³ Michel Foucault, “Lives of Infamous Men” in *The Essential Foucault*, (New York City: The New Press, 1977).

Through the following chapters, this thesis demonstrates how this microhistory of a scandal reveals the intersections of colonial anxieties over child guardianship, Theosophy, feminism, sexuality and fatherhood. The scandal in the case stemmed from the transgressions of colonial propriety and norms, as well as the high-profile persons involved. Yet, *Besant v. Narayaniah* ultimately shows how colonial dichotomies were constantly being negotiated and debated over in courts and in the media, which were reshaped by both colonial authorities and subjects.

Chapter 2 - Besant: The ‘Mother’ of Theosophy in Colonial India

The Exceptional

Annie Besant was crucial to the way that *Besant v. Narayaniah* unfolded and moved between the legal jurisdiction from India to England, which ultimately altered the outcome of the court ruling.⁵⁴ Besant was an exceptional figure in her legal and political involvement in colonial India, which was key in turning the case into a scandal. Her unique position that lay at the center of the intersections between Britain and India was essential in securing public attention on the guardianship controversy, since her public image threatened the stability of colonial stereotypes and expectations. Beyond her gender, Besant troubled the categories of colonial rule in several ways, especially with her strong involvement in Theosophy and Indian politics. As the president of the Theosophical Society, she possessed authority over an opaque and esoteric occult community which the colonial state claimed to have little knowledge of, as compared to more mainstream religions like Hinduism, Islam, and Christianity. Yet, this distancing from Theosophy was not so much about the lack of actual recorded knowledge, but a colonial disavowal of claims to knowledge. Besant was thus controversial in troubling colonial boundaries of gender, class, race and political involvement over the course of the scandal.

⁵⁴ Literature on Besant mostly deals with her birth control trials and involvement in Indian politics, see: Nancy Fix Anderson, “‘Mother Besant’ and Indian National Politics,” *The Journal of Imperial and Commonwealth History* 30, no. 3 (September 2002): 27–54, <https://doi.org/10.1080/03086530208583148>; Daniel H H Ingalls, “The Heritage of a Fallible Saint: Annie Besant’s Gifts to India,” *Proceedings of the American Philosophical Society* 109, no. 2 (9 April 1965): 5; Flore Janssen, ‘Talking about Birth Control in 1877: Gender, Class, and Ideology in the Knowlton Trial’, *Open Cultural Studies* 1, no. 1 (27 November 2017): 281–90, <https://doi.org/10.1515/culture-2017-0025>; Angelika Malinar, “‘Western-Born but in Spirit Eastern ...’ – Annie Besant between Colonial and Spiritual Realms,” 2013, *Asiatische Studien / Études Asiatiques* 67, no.4 (2013): 1115-1154, <https://doi.org/10.5167/UZH-93739>; Joanne Stafford Mortimer, “Annie Besant and India 1913-1917,” *Journal of Contemporary History* 18, no. 1 (January 1983): 61–78, <https://doi.org/10.1177/002200948301800104>; Mytheli Sreenivas, “Birth Control in the Shadow of Empire: The Trials of Annie Besant, 1877–1878,” *Feminist Studies* 41, no. 3 (2015): 509, <https://doi.org/10.15767/feministstudies.41.3.509>.

By tracing the course of Besant's involvement in the trial, this chapter adds onto existing literature by situating her legal experiences in court in the context of the changes in her feminist activism and as a leader of the Theosophy movement. The guardianship trial over her daughter, Mabel, taught Annie Besant that the fundamental rationale of decisions over guardianship and child welfare was based upon perceptions of morality, which was arbitrarily determined by the courts. Besant's previous experience in losing custody of her daughter led to her initial defence in court as one based upon proving her and Leadbeater's morality, and issues of jurisdiction would play a huge role in her success in the final appeal, after the initial outcome did not rule in her favour.

Besides the challenges that her prominent public presence presented to the colonial state, Besant was also extremely shrewd and savvy in her use of legal technicalities and the media. She was able to shift the trial from the Madras High Court to the Judicial Committee of the Privy Council in London, and the outcome of the case worked in her advantage when the latter court awarded guardianship of the boys to Besant instead of the boys' father, Narayaniah. Other than her position as the defendant, she chose to represent herself as legal counsel despite having received no formal legal training.⁵⁵ Her amateur knowledge of the legal system allowed her to defend herself in court, albeit to debatable success. This was extraordinary for a woman, although she was better positioned than most women to do so, as a white British middle-class woman in the colony. Besant's familiarity with the importance of the media in garnering support or stirring up more controversy also led her to write into newspapers and publications to attack her critics and defend herself, which added to the scandal of the case. Yet, she also chose to fit within the colonial state's expectations of femininity by painting herself in a motherly image and adopting imperialistic narratives and

⁵⁵ Taylor, *Annie Besant*, 109.

constructs. During the trial from 1912 to 1914, this was exemplified through her defence of her guardianship over Krishnamurti and Nityananda, as well as shielding Leadbeater from allegations of child sexual abuse in court, in the press, and within the Theosophical Society. The Judicial Committee of the Privy Council ultimately decided the outcome of the case based on the issue of jurisdiction, and Besant's position as a well-educated woman from the metropole aided her in ability to navigate the workings of the English courts in her own defence and financing her own appeals against Narayaniah. Besant had easy access in travelling to London to defend herself in front of the JCPC whereas Narayaniah was financially limited and could not do the same.⁵⁶

Besant v. Narayaniah seemed to be a clear-cut case in the courts of colonial India, where the trials resulted in the return of guardianship to the boys' father. The shift in jurisdiction from Madras to London allowed Besant to argue that Indian courts had no right over the guardianship of Indian minors who were residing in Britain, which invalidated the legal outcomes in India in favour of Besant, allowing her to retain guardianship of Krishnamurti and Nityananda. Thus, the issue of shifting jurisdictions was key in shaping the outcome of the case in London, with the Judicial Committee of the Privy Council overruling the previous decisions from colonial courts and deciding that the boys would stay with Besant, and by extension, Leadbeater, their alleged abuser. This was not simply due to an English court deciding in favour of the British defendants on a case that took place in the colony – the final ruling was, in large part, due to Besant's staunch doggedness in searching for legal technicalities that would allow her to succeed in subsequent appeals. She was especially steadfast in refuting allegations of child sexual abuse, and in defending Leadbeater and her decisions in the Theosophical Society in court, in the press and within the

⁵⁶ *Besant vs Narayaniah*, 16 BOMLR.

Theosophical Society. Besant accused Narayaniah and the witnesses he called on of fabricating evidence and interrogated the veracity of their statements in court, which added to the controversy over immorality as Besant was perceived to be defending Leadbeater at all costs, even if it meant unfairly disputing the credibility of Narayaniah. Her role as the head of the Theosophical Movement and her close association with Leadbeater, as well as her prominent standing in Indian society, further fanned the flames for more controversy surrounding the case.⁵⁷

The Trials of Besant

The case was not her first venture in navigating male-dominated legal settings and guardianship rights. *Besant v. Narayaniah* cannot be adequately analysed without examining Besant's prior guardianship case, which inevitably impacted the subsequent arguments she put forth to hold onto guardianship over Krishnamurti and his brother. In 1873, Annie Besant separated from her husband, Frank Besant, the vicar of Sibsey in Lincolnshire, England, when she refused communion on the basis of being an atheist.⁵⁸ They had two children, Arthur and Mabel, and while they initially agreed that Arthur should be in the care of Frank Besant, while Mabel should remain with Annie Besant.⁵⁹ Following their separation, Annie and her fellow activist, Charles Bradlaugh, were entangled in controversy over *The Fruits of Philosophy*, a book on contraception methods, which was written by Charles Knowlton, a doctor. After the publisher was charged with obscenity, Besant and Bradlaugh decided to reprint and circulate copies of the book in March 1877, adding the subtitle, *An Essay on the*

⁵⁷ NA/PCAP 6/648.

⁵⁸ Taylor, *Annie Besant: A Biography*, 58-60.

⁵⁹ *Ibid.*

Population Question. They were subsequently arrested a month later, and Annie Besant was catapulted into the public spotlight due to the trials over the Knowlton book.⁶⁰

The scrutiny that ensued proved to be too much for Frank Besant, and by May 1878, the Besants were on opposing sides of the courtroom. The custody split in their separation fell apart when Annie was entangled in such a public scandal, and Frank wanted custody of Mabel too. Frank was adamant that Annie Besant was “disqualifie[d] from being the guardian of the child” due to her publications on atheism and birth control, the latter of which proved that she was “of an obscene character.”⁶¹ Frank’s lawyer argued that Mabel would lose all middle-class respectability under Annie Besant’s care, since she would have to “associate with persons of doubtful reputation, and possibly even [...] herd with the profligate and vile.”⁶² Annie Besant chose to represent herself in court despite her lack of legal experience, which was frowned upon by the judge, who implied that it was a huge waste of time because of her gender.⁶³ Annie’s perceived inability to comprehend the law and her right to guardianship was inextricably tied to her gender and supposed immorality, and she was ultimately judged to be unfit as a mother and guardian because of her deviant views on religion and birth control. The guardianship of Mabel was awarded to Frank and Annie was left without legal custody of either of her two biological children.⁶⁴ This would have a lasting impact on her, and she would fight tooth and nail to retain her guardianship of Krishnamurti and Nityananda in the face of accusations of immorality.

Historians have examined Besant’s role in the Charles Knowlton case in the context of the class, race and gender categories of British imperialism, both in the metropole and the

⁶⁰ Ibid.

⁶¹ Sreenivas, “Birth Control in the Shadow of Empire: The Trials of Annie Besant, 1877–1878,” 527-8.

⁶² Ibid., 528.

⁶³ In Judge George Jessel’s words, Annie Besant’s choice to act as her own lawyer was a “shocking waste of the time of the Court; it would be useless for the lady to attempt to argue the case, as it involved some very nice points of law.” Sreenivas, “Birth Control in the Shadow of Empire,” 527.

⁶⁴ Ibid.

colony. Flore Janssen writes about how Besant's involvement in trials over the Knowlton pamphlet demonstrated an example of the "middle-class talking to itself about working-class life and experience."⁶⁵ Besant framed the neo-Malthusian debates over birth control as necessary for mass family planning and thus the welfare of the working class.⁶⁶ Yet, she was able to draw upon her self-representation as a Victorian middle-class woman, portraying herself "in the light of idealised feminine self-sacrifice [as a] model of the proper and caring woman."⁶⁷ In the wider context of empire, Mytheli Sreenivas has looked at how Besant's activism for birth control in the metropole "rendered contraception into a sexual technology that claimed to address the economies of impoverishment in an emerging imperial world."⁶⁸ Besant was adamant that allowing access to contraception would slow down population growth and poverty in colonial India, which emerged from a need for "imperial responsibility and as a demonstration of British humanitarianism in support of starving colonized populations."⁶⁹ While there has been some literature on Besant's legal and political involvement in the Knowlton case, *Besant v. Narayaniah* has remained unexamined despite its significance in colonial India and Besant's life. *Besant v. Narayaniah* received significant coverage in colonial India from prominent English-language newspapers, such as the *Times of India*, *Leader*, *Tribune*, *Amrita Bazar Patrika*, which closely followed the events of the trial as it progressed over the span of three years from 1912 to 1914. It is also notable that four decades had passed since the Knowlton case and Besant's failure to retain custody of Mabel when the proceedings of *Besant v. Narayaniah* started in 1912. Besant was much older, but she also had more significant influence and power in the political and social circles of colonial India, which affected the ways she was able to navigate the legal battles of

⁶⁵ Janssen, 'Talking about Birth Control in 1877: Gender, Class, and Ideology in the Knowlton Trial,' 282.

⁶⁶ *Ibid.*, 282, 286.

⁶⁷ *Ibid.*, 286.

⁶⁸ Sreenivas, "Birth Control in the Shadow of Empire," 513.

⁶⁹ *Ibid.*

Krishnamurti's guardianship case. While there is no mention of birth control in *Besant v. Narayaniah*, the case reveals another aspect of Besant's later feminist activism in the framing of her public image as a defensive and benevolent mother to her non-biological children, albeit slightly altered with the spiritual occultism of Theosophy.

Feminism and an Assumed Motherhood

Besant's involvement in *Besant v. Narayaniah* was crucial in propelling the case into a scandal, due to her prominent positions in terms of her gender, class, race, politics, and her Theosophical beliefs in colonial India. It was not simply Besant's guardianship that was on trial in *Besant v. Narayaniah* – her place in India as adoptive mother, leader of the Theosophy movement and her identity as an educated British activist in the colony came under scrutiny too. As historians have previously pointed out, Besant possessed seemingly contradictory views that were at once patronisingly imperialist, but also anti-imperialist in other respects. Concurrently, she has been considered a feminist due to her support for birth control and her advocacy for women's equality in marriage and family. Yet, she also willingly cast herself in stereotypes and images of benevolent Victorian maternalism, which was also a central ideology in suffrage activism.⁷⁰

Activists in transnational feminist circles in the British Empire and beyond engaged with imperialism and colonialism to shape their political and social ideologies. Notably, ideological positions were not solely defined by race, or by the dichotomies of the coloniser versus the colonised.⁷¹ In particular, feminist activists from Britain were influenced by their

⁷⁰ Anderson, "'Mother Besant' and Indian National Politics," 37.

⁷¹ Multiple historians who have worked on transnational and colonial feminist histories have made this point. Padma Anagol, *The Emergence of Feminism in India, 1850-1920*, (London: Routledge, 2017); Zaib un Nisa Aziz, 'Songs of Sisterhood: Feminist Political Practice between Empire and Internationalism 1910–20,' *Gender & History* (July 2021): 1-17; Antoinette Burton, *Burdens of History: British Feminists, Indian Women and Imperial Culture, 1865–1915*, (Durham: University of North Carolina Press, 1994); Burton, "'History' is Now: Feminist Theory and the Production of Historical Feminisms," *Women's History Review* 1, no. 1 (1992): 25-39; Kathryn Gleadle and Zoe Thomas, "Global Feminisms, c. 1870-1930: Vocabularies and Concepts—A

personal subjectivities in the metropole, their class, and their political ideals to develop their own sense of identity and activism in colonial India.⁷² The divide between different feminist positions was not simply “based on women’s ethnic and national identities,” which is reflected in how Besant advocated for Indian women to some extent.⁷³ Scholars have also written about Besant’s negotiation of her identity in colonial India, especially in terms of gender and her politics. Besant was keen to fit herself into feminine and maternal stereotypes that could help advance her various causes. Nancy Fix Anderson states that Besant “appealed to traditional maternal images in reference both to herself and to India,” arguing that despite being in an unusual position of power as a woman, she still conformed to certain ideals of femininity to assert her leadership. Besant gendered England as the masculine – “materialist and rational” – while India was the opposite – feminine and maternal, “spiritual and mystical.”⁷⁴ This was a crucial binary she reinforced while advocating for immediate Home Rule in the Indian political scene, from 1916 to 1918. Besant saw some measure of political independence as necessary for the anti-imperialist movement, but she was also adamant that India should retain its links to Britain as a dominion instead of as a colony.⁷⁵ By drawing upon a conservative, middle-class and maternal persona as the “mother of Mother India,” Besant attempted to justify her public presence and political advocacy in colonial India.⁷⁶ On the other hand, Angelika Malinar has examined Besant’s life and views and refuted previous biographies that have characterised her life in neat separate sections, from her marriage and separation from Frank Besant, her feminist activism, her membership in the Theosophical

Comparative Approach,” *Women’s History Review* (2017): 1-16; Jayawardena, *The White Woman’s Other Burden*, (London: Routledge, 2014); Sumita Mukherjee, *Indian Suffragettes: Female Identities and Transnational Networks*, (Oxford: Oxford University Press, 2018).

⁷² Aziz, ‘Songs of Sisterhood,’ 156-7.

⁷³ *Ibid.*, 168.

⁷⁴ Anderson, ““Mother Besant” and Indian National Politics,” 27.

⁷⁵ *Ibid.*, 34.

⁷⁶ *Ibid.*, 37.

Society, and her eventual political involvement in India. Malinar sees Besant's life as an amalgamation of "criss-crossed trajectories that make up a life entangled in translating and interpreting boundaries and oppositions," where she was simultaneously an "ambiguous combination of conservative and reformist, anti-colonialist and imperialist positions in her interpretations of teachings of Theosophy and Hinduism."⁷⁷

Annie Besant was certainly not the first British woman in colonial India to lobby for Home Rule and women's rights, but she was one of the most prominent amongst the few who did. She joined a group of British women from the mid-nineteenth to mid-twentieth century who rallied for the betterment of the position of Indian women, including Mary Carpenter, Annette Akroyd Beveridge, Margaret Noble-Sister Nivedita, Margaret Gillespie Cousins, Eleanor Rathbone, and Flora Annie Steel.⁷⁸ Some of these women, such as Cousins and Besant, had become disillusioned with Protestant Christianity and its expectations of women in Britain, and they found themselves able to travel to India without any dependents. They would attempt to persuade British officials to push through with their proposed reforms, especially in support of their ideals of the liberated Indian woman. However, when they found that their voices had limited influence on male British officials, these women turned towards alternative avenues to garner support, such as publications, speeches, and metropolitan organisations.⁷⁹ Barbara Ramusack has termed these English women as "maternal imperialists," differentiating them from the common understanding of "political

⁷⁷ Malinar, "'Western-Born but in Spirit Eastern ...' – Annie Besant between Colonial and Spiritual Realms," 1116, 1149.

⁷⁸ Barbara N. Ramusack, "Cultural Missionaries, Maternal Imperialists, Feminist Allies: British Women Activists in India, 1865-1945," in *Western Women and Imperialism: Complicity and Resistance*, ed. Nupur Chaudhuri and Margaret Strobel (Bloomington: Indiana University Press, 1992), 120; Nancy L. Paxton, "Complicity and Resistance in the Writings of Flora Annie Steel and Annie Besant," in *Western Women and Imperialism: Complicity and Resistance*, ed. Nupur Chaudhuri and Margaret Strobel (Bloomington: Indiana University Press, 1992), 159.

⁷⁹ Ramusack, "Cultural Missionaries, Maternal Imperialists, Feminist Allies: British Women Activists in India, 1865-1945," 129.

imperialism,” which typically assumes “paternalistic autocracy.”⁸⁰ They saw themselves as metaphorical and spiritual mothers of India and Indians, which manifested in an amalgamation of nurturing yet patronising attitudes towards those they were fighting for.⁸¹

Besant’s strand of feminism seemed to become more conservative in colonial India, as compared to her stance in Britain. While in Britain, she was opposed to conservative Victorian patriarchal values, as her separation from Frank Besant and the Knowlton trials demonstrated. She was also keen in her support of “workers, women, secularists and dissidents,” but her conversion to Theosophy changed her staunch feminism. In 1890, Besant’s entanglement with Blavatsky led to her destruction of copies of the controversial *Law of Population*, and she advocated for self-control instead of birth control.⁸² When she moved to India, Besant threw her support behind the values of elite Hindu men as representatives of the “nation,” and believed that Hindu traditions were appropriate for determining the place of Indian women. By constructing ancient Hindu texts as ideal manuals that reflected the natural position of women, Besant proposed that Indian women were key to anti-imperialist movements as wives or mothers, since “the wife inspires or retards the husband; the mother makes or mars the child.”⁸³ It was important that Indian women were gentle, obedient and nurturing, in order to support the men in their lives.⁸⁴

By positioning herself in the vein of benevolent colonial motherhood, Besant emphasised that she was a caring and morally upright mother to the boys. Hence, Leadbeater could not have been guilty of allegations of sexual assault since she was always aware of the happenings that took place with the boys. She portrayed cited incidences of Leadbeater behaving inappropriately with the boys as the result of misunderstandings or as malicious

⁸⁰ Ibid., 133.

⁸¹ Ibid., 133.

⁸² Jayawardena, *The White Woman's Other Burden*, 127.

⁸³ Ibid., 130.

⁸⁴ Ibid., 134.

slander by their father, by portraying herself as a maternal figure who could rein in Leadbeater's behaviour and placate Narayaniah's anxieties.⁸⁵ One such incident took place when Narayaniah saw "something nasty" while he was peeping in on Leadbeater and Krishnamurti at the Theosophical Headquarters in Adyar due to earlier suspicions of Leadbeater's behaviour.⁸⁶ Besant admitted that Leadbeater did bathe the boys while they were without clothes on two separate occasions, which was highly inappropriate since orthodox Hindus were not supposed to shower completely naked.⁸⁷ However, she claims that she quickly reprimanded Leadbeater once she found out about what happened, and the issue was resolved with no incident until Narayaniah brought it up as an excuse for the boys' return. Besant's supporters portrayed her not only as a mother to the boys, but also to Narayaniah.⁸⁸ A. K. Sitarama Shastri, the Superintendent of the printing department at Adyar, a witness for Besant described how Narayaniah "trusted Mrs. Besant, who was more than a mother to him."⁸⁹ Her self-characterisation as a mother to Krishnamurti and his brother, their father, and the Theosophical Society was indicative of her later political work, where she was

⁸⁵ NA/PCAP 6/648, 311. Also see Exhibit W5, a letter from 1909 written by Krishnamurti and presented by Besant to the court to prove her role as Krishnamurti's mother: "My dear mother, will you let me call you mother when I write to you? I have no other mother now to love, and I feel as if you were our mother, because you have been so kind to us [...] (Krishnamurti then refers to Besant's astral form) I have seen you sometimes in the shrine-room, and I often feel you at night and see your light. Your loving son, Krishna."

⁸⁶ *Ibid.*, 309.

⁸⁷ *Ibid.*, 311: "Mr. Leadbeater twice washed Krishna after he offered them his bathroom, I never saw Mr. Leadbeater taking charge of the washing of the boys, I asked Mr. Leadbeater because I knew of the difference of Indian and English ways, and he told me that after he had offered his bathroom—after they left the well—he had twice washed the elder boy and cleansed the hair which was in a very bad state, and washed him without the boy having any cloth on. I told Mr. Leadbeater, who only knew the English way of washing, that it was considered very improper for a Hindu to bathe without cloth, He has always lived in English style, since he came in 1884, and was here off and on. He is very English."

⁸⁸ *Ibid.*, 333. See Exhibit AA2, a letter from Narayaniah to Besant in Jan 1912: "Respected and dear mother, [...] however unkind you may make your external attitude towards me appear to be, I feel quite certain that you have inside the same love and tenderness you have been showing me during the last three years. I shall still cling to you as a son to a mother. Once a mother you are a mother forever. [...] Your ever devoted and dutiful son, (Sd.) J. Narayaniah"

⁸⁹ *Ibid.*, 224. This was in the context of Narayaniah initially handing over guardianship to Besant, and Shastri stated, "he would not like any other to be guardian."

represented as the mother of India.⁹⁰ Yet, this prelude to her subsequent political representation hints at how her version of maternalism was not radically in favour of the colonised, but in defence of her role as a “maternal imperialist” who had to ultimately maintain upright British and Theosophist reputations.

While Besant fits within this framework of “maternal imperialists” in certain ways, she also differed from most of the European women associated with this brand of women’s activism due to her unusual involvement as the leader of the Theosophical Society. Protestant missionaries from Britain were keen to convert South Indian women to Christianity, which went beyond simply altering their mindsets or overhauling their belief systems. They wanted Indian women to conform to Victorian ideals of gender, by rejecting “outmoded forms of belief and practice” and “superstition” to become “‘enlightened’ wives and mothers.”⁹¹ However, Besant challenged Christian proselytism by espousing Theosophy instead. In a way, Besant resisted the delineation of mainstream religions into strict categories, for the purposes of census records or personal laws. As the leader of a significant following of Theosophists, which comprised of educated white British intellectuals and middle-class Indian converts in colonial India, colonial officials also could not afford to offend or completely isolate Besant despite her anti-imperial leanings.

The Ambiguities of Theosophy

In the 1912 custody case, Theosophical beliefs were often brought up by Besant and Leadbeater to justify decisions that the court might consider morally ambiguous. Besant argued that Theosophical involvement essentially differentiated her, Leadbeater and Krishnamurti from being accountable to the moral standards of non-Theosophists and the court. She reiterated the existence of a separate spiritual realm, where Theosophists were held

⁹⁰ Anderson, ““Mother Besant” and Indian National Politics,” 36-7.

⁹¹ Ibid., 149.

to higher moral standards compared to non-Theosophists. Besant was also adamant that despite being the only legal guardian of the boys, they could not be removed from the care of Leadbeater, who was their main “spiritual guardian.”⁹² Besant continued to assign Leadbeater to oversee the boys despite being aware of the previous allegations of child sexual abuse levied against him in 1906.⁹³ Besant was insistent that Leadbeater simply wanted to prevent “young children from [getting] into bad ways,” and his intentions were to save “boy[s] on the brink of vice before puberty.”⁹⁴

Additionally, Besant went back on her promise to Narayaniah in the initial guardianship transfer, where she stated that she would send the boys to Oxford when they came of age.⁹⁵ She claimed that “she thought it was clearly understood” by Narayaniah that the boys were taken by Besant for “Initiation,” and that she “did not state this in the Written Statement [...] because [she] did not want to introduce these matters in a Court of Law.”⁹⁶ By claiming that Narayaniah was aware of the eventual installation of Krishnamurti as the future leader of the Theosophical movement in India, Besant wanted to disprove Narayaniah’s claim

⁹² NA/PCAP 6/648, 301. “Mr C.P. Aiyer (Narayaniah’s lawyer): Have you ever held the view that for the occultist there are no ideas of conventional morality? AB: I have said that occult morality is higher than conventional morality, which is a poor thing. I have never said it was lower. It is always higher.” On page 308, Besant attempted to claim that Narayaniah understood that Leadbeater had unofficial guardianship over the boys: “in the letter of guardianship it is stated that i alone am to be guardian. that is the legal position in the outer world. it was thoroughly understood that the letter was not the place for a purely spiritual matter. there is a Higher Power over us. Legally I alone am guardian.”

⁹³ Quote from 1906 letter from Besant to Theosophical Society members in America: “It was conceivable that the advice as supposed to have been given with pure intent, and the presumption was so in a teacher of Theosophical morality; anything else seemed incredible. But such advice as was given, in fact dealing with boys before sex passion had awakened, could be given with pure intent only if the giver were, on this point, insane... Let me here place on record my opinion that such teachings as this given to men, let alone innocent boys is worthy of the sternest reprobation. It distorts and perverts the sex impulse, implanted in men for the preservation of the race; it degrades the ideas of marriage, of fatherhood and motherhood, humanity's most sacred ideals: it befouls the imagination, pollutes the emotions, and undermines the health. Worst of all is that it should be taught under the name of the Divine Wisdom, being essentially "earthly, sensual, devilish.”” Joseph Fussell, *Mrs Annie Besant and the Leadbeater Advice*, (San Diego: The San Diego News Press), 1913, <https://archive.org/details/mrsanniebesantle00fuss/page/n1/mode/2up>.

⁹⁴ NA/PCAP 6/648, 302.

⁹⁵ Krishnamurti was seventeen years old by the time the case commenced, while his brother, Nityananda, was fourteen years of age.

⁹⁶ *Ibid.*, 307

that he only handed custody over to Besant for higher education in England. It also suggests that she deemed decisions related to Theosophy as private to the organisation, which was not of relevance to a court of law. Instead, Besant stated that Krishnamurti possessed “remarkable spiritual power” and would eventually become a religious leader, while Nityananda was poised to enter the Civil Service to “help his brother and family.”⁹⁷ Claims of astral projection were also common in Besant and Leadbeater’s statements in court, which contributed to the mysticism of Theosophy. For instance, Besant’s statements on her whereabouts were very vague and inconsistent – she would claim to be in Benares, but upon further clarification would subsequently state that she was in Adyar through astral projection, which obviously brought the veracity of her statements into question from the point of view of the court, making it all the more notable that the Privy Council eventually assigned Besant guardianship.⁹⁸ Again, this demonstrated a willingness to reveal the workings of the upper echelons of the Theosophical Society in India to a public audience, but Besant was astute in her line of defence that would prevent the court from engaging with her religious claims.

Gauri Viswanathan has shown how Theosophy and its adherents’ beliefs can be perceived as “a critique of both colonialism and secularism.”⁹⁹ In Viswanathan’s view, the mysterious Masters in Theosophy troubled colonial modernism and religious teleology by offering the possibility of a higher authority beyond conventional Christian doctrines. This included the Theosophists’ “fondness for genealogies beginning with primordial matter,” as well as a universal brotherhood that disregarded colonial boundaries.¹⁰⁰ Theosophy reimagined the relationship between the coloniser and colonised by looking towards the latter for spiritual guidance, where the East was seen as “the fountainhead of spiritual knowledge.”

⁹⁷ Ibid.

⁹⁸ Ibid., 306.

⁹⁹ Viswanathan, “The Ordinary Business of Occultism,” 19.

¹⁰⁰ Ibid., 20.

British people in India were willing to take on subservient positions as followers of Eastern spiritual traditions, which seemingly reversed the traditional dynamic between coloniser and colonised.¹⁰¹ Yet, these relationships still remained asymmetrical, and can be viewed as an alternate form of imperialism, since Western Theosophists such as Annie Besant saw themselves as the liberators of Indians from colonial suppression.¹⁰² In *Besant v. Narayaniah*, guardianship was called into question, but Besant was able to use the obscurity of Theosophy to her advantage in courts. Theosophy was not dealt with as often as major religions such as Hinduism, Islam and Christianity, and its key practices and beliefs were esoteric and were supposed to be shrouded in secrecy. More importantly, Theosophy lay outside the realm of colonial personal laws, since it was not a major religion like Hinduism or Islam. The lack of any written texts that colonial legal courts could rely on to determine the appropriate course of action led to the default use of Hindu personal laws to grant guardianship to Narayaniah, but this was questioned by Besant's defence. By relying upon the supposed unknowability of Theosophy, Besant's emphasis on Theosophy hurt her case in Indian courts, yet it did not affect her case in Britain. The proliferation of Theosophists in colonial India could blur racial boundaries and affect colonial hierarchies of power, which influenced the decision to return the boys to their father instead of receiving more Theosophical training. In Britain, Theosophy mattered less in the Privy Council discussions, since it remained a distant problem from the metropole. The use of Theosophical terminology, such as Initiation and Masters only further obfuscated the matter of child welfare.

Concluding Remarks

The intersections of Besant's views and various identities as a feminist, a surrogate mother and a Theosophist turned the case into a scandal. Building upon existing work done on

¹⁰¹ *Ibid.*, 3.

¹⁰² Dixon, "Theosophy," 269.

Besant, this chapter expands on a historical reading of Besant by integrating gender, class, race, politics and her involvement in Theosophy in relation to the case. Beyond the literature on her advocacy for birth control and legal battles, or her involvement in anti-imperialist movements in India, it contributes to an understanding of how racial and gender boundaries in the colonial state were contested, as well as the contradictions in how Besant shaped her public persona in the face of allegations of child sexual abuse. Yet, it also demonstrates how Besant made use of specific racial and gender stereotypes to her advantage in the courts and the presses, which further legitimised the idealisation of British women as white maternal saviours.

Besant v. Narayaniah brought the question of Besant's 'maternal imperialism' to the forefront of public debate. The heart of the scandal revolved around the controversy of whether a British woman could remove Indian children from their biological father. Besant and Krishnamurti's case was complicated by Besant's Theosophical involvement, which fell outside of the categories of colonial knowledge and personal laws. By becoming the adopted mother of two Indian boys, who she had apparently rescued from a life of alleged poverty and neglect under their father, Besant solidified her role as a mother beyond the metaphorical, although this was being questioned in the courts. With the death of their mother several years earlier, Krishnamurti and his brother lacked a motherly figure in their lives, and Besant seized the opportunity to justify her argument for adoption. Besant had the ability to defend herself in court and in the press, and she emphasised her image as a competent mother to the boys.¹⁰³ With the publicity surrounding the case, it would be highly damaging to Besant's reputation in India as a maternal political figure if she were to fail at retaining custody.

¹⁰³ NA/PCAP 6/648, 314.

Annie Besant's role in the Krishnamurti and Nityananda guardianship controversy was significant due to her position at the intersection of various social categories. Despite being a novice in law, her social status as a white British upper-class woman in the colony gave her an advantage in court. However, her involvement in Theosophy and Indian politics made her a controversial figure, and her understanding of the English court system and ability to file appeals worked in her favour. Ultimately, the Judicial Committee of the Privy Council decided the outcome of the case based on jurisdiction, awarding guardianship to Besant instead of their father.

Theosophy was distinct from major religions like Hinduism and Islam, which fell outside the scope of colonial personal laws. Because there were no clear written texts to guide colonial legal courts in such cases, Hindu personal laws were used as the default in Indian courts, granting guardianship to Narayaniah. However, Besant's defence contested this decision due to the unique nature of Theosophy. Her emphasis on the mysterious aspects of Theosophy worked against her in Indian courts but had less impact in British courts. The presence of many Theosophists in colonial India had the potential to challenge racial divisions and colonial power structures, influencing the choice to return the boys to their father instead of continuing Theosophical education. In Britain, Theosophy held less significance during discussions by the Privy Council, as it was seen as a distant issue from the metropole. By involving Theosophy in legal proceedings in both India and Britain, Besant stepped beyond the familiar legal domain governed by personal laws, challenging the boundaries of personal law in colonial courts.

Chapter 3 - Leadbeater: Paedophilia and Sexual Deviance

Masculinity and Homosexuality

While Annie Besant was the primary public figure who brought attention to the case of *Besant v. Narayaniah*, it was her Theosophist counterpart, Charles Leadbeater, whose character and morals were under scrutiny. Despite not being listed as the official guardian of Krishnamurti and Nityananda, Leadbeater spent more time with the boys than Besant, who was mostly travelling around in her capacity as the head of the Theosophical Society. In 1912, Leadbeater became one of the main subjects of contention for Krishnamurti and Nityananda's guardianship suit, which accused Leadbeater of improper sexual behaviour with Krishnamurti, therefore demanding Besant to return custody to Narayaniah. Newspapers in India and Australia represented Leadbeater as a menace to the morality of young boys, and he was condemned and sensationalised in articles on the case. In the courts, debates centered around Leadbeater's history of alleged paedophilia, which extended to concerns about his proximity to the boys.

This chapter demonstrates how Leadbeater reflected colonial anxieties over moral and sexual contagion, and how fears over homosexuality and paedophilia intersected with race. Yet, it also discusses how the narrative surrounding Leadbeater varied across India, Britain and Australia in relation to ideals of masculinity and class. While the allegations of child sexual abuse levelled at Leadbeater were the central contention in the legal archives, Leadbeater also represented the danger of white men's homosexuality and paedophilia in the empire, and led a mysterious occultism that was regarded suspiciously by British colonial authorities and the press in India, Australia and the wider empire.

The alleged paedophilic behaviour of Leadbeater was interspersed with assumptions about homosexuality and masculinity, which aligns with existing arguments from historians who have explored how discussions on male sexuality were tied to class-based ideals of

masculinity in the metropole and colonial India.¹⁰⁴ John Tosh has highlighted how there were different standards of masculinity for upper-class and middle-class men in nineteenth-century Britain. For the former, men were expected to maintain their “reputation,” which had to conform to peer expectations, but middle-class men “strove to establish ‘character,’ which referred to the “internal urgings of a man’s conscience.”¹⁰⁵ This was influenced by the increase in religious literature published by Evangelical writers, which emphasised the importance of individualism and solitude in response to “the scandalous state of youthful morality.”¹⁰⁶

Charles Upchurch expands on Tosh’s argument by addressing the impacts of the growing middle-class adoption of staunch Evangelical beliefs on the perceptions on sexual desires in men, stating that “effeminacy and the lack of masculine self-control were the greatest markers of degeneration rather than sexual desire for other men.”¹⁰⁷ As Upchurch explains, the biggest danger for middle-class men was the lack of self-discipline in curbing sexual desires, which was more damaging than the sexual preferences of any man.¹⁰⁸ Similarly, effeminacy was also perceived to be much more detrimental than same sex desires, which Upchurch attributes to Enlightenment ideas. Enlightenment thinkers justified liberal rights for certain classes and people by pinning antithetical qualities to women and colonial

¹⁰⁴ There has been considerable literature on masculinity and homosexuality in the colonial context. See Robert Aldrich, *Colonialism and Homosexuality*, (London: Routledge, 2003), J. Y. Chua, “The Strange Career of Gross Indecency: Race, Sex, and Law in Colonial Singapore,” *Law and History Review* 38, no. 4 (November 2020): 699–735, <https://doi.org/10.1017/S073824801900052X>; H. G. Cocks, *Nameless Offences: Homosexual Desire in the 19th Century*, (London: I. B. Tauris Publishers, 2003); Ronald Hyam, *Empire and Sexuality: The British Experience*, (Manchester: Manchester University Press, 1990); Claire Lowrie, “White ‘Men’ and Their Chinese ‘Boys’: Sexuality, Masculinity and Colonial Power in Singapore and Darwin, 1880s-1930s,” *History Australia* 10, no. 1 (January 2013): 35–57, <https://doi.org/10.1080/14490854.2013.11668445>; Richard Philips, *Sex, Politics, and Empire: A Postcolonial Geography*, (Manchester: Manchester University Press, 2006); John Tosh, *Manliness and Masculinities in Nineteenth-Century Britain: Essays on Gender, Family and Empire*, (London: Routledge, 2016); Upchurch, “Liberal Exclusions and Sex between Men in the Modern Era,” 409-431, [doi:10.1353/sex.2010.0017](https://doi.org/10.1353/sex.2010.0017).

¹⁰⁵ Tosh, *Manliness and Masculinities in Nineteenth-Century Britain*, 93.

¹⁰⁶ *Ibid.*

¹⁰⁷ Upchurch, “Liberal Exclusions and Sex between Men in the Modern Era,” 425.

¹⁰⁸ *Ibid.*

subjects.¹⁰⁹ However, while colonised people were deemed to be inferior to Europeans, it did not deter white men from engaging in sex with other men in the colonies, which also sometimes extended to young boys.¹¹⁰

British colonies also passed laws that prohibited men from acting on same-sex desires as historians such as J.Y. Chua and Claire Lowrie have pointed out. In Singapore, the colonial government introduced Section 377A in 1938, which outlawed sex between men, as a means to clamp down on sex between British officials and Asian men, which could possibly threaten colonial authority by blurring racial boundaries and overstepping restrictions on proper sexual conduct.¹¹¹ The need to prevent white masculinity from being tainted by intimate association with Asian men or boys was pressing enough for Section 377A to be passed in the early 1930s.¹¹² Lowrie has taken a more in-depth look at sexual interactions between white men and their Chinese male servants in Singapore and Darwin. Male servants were known as “houseboys,” even though they were adults. Power hierarchies of age were evident in reported cases of sexual activities between white men and their adult Chinese servants.¹¹³ Lowrie suggests that the need to term these servants as boys instead of men stemmed from the fear that colonial power could be threatened if proper hierarchies were not maintained in the face of sexual intimacies.¹¹⁴ Beyond class and race, public uproar over these cases was not simply due to the fear of moral transgressions, but it also played on European anxieties of their colonial subjects as uncontrollable “dangerous monsters.”¹¹⁵ Although Chinese servants

¹⁰⁹ Ibid., 427-8. For instance, colonial men were deemed to be inherently effeminate and prone to laziness, which allowed politicians to argue against granting them the same rights as British men in the metropole. See also Mrinalini Sinha’s work on effeminacy and martial races, *Colonial Masculinity: The ‘Manly Englishman’ and the ‘Effeminate Bengali’ in the Late Nineteenth Century*, (Manchester: Manchester University Press, 1995).

¹¹⁰ Aldrich, *Colonialism and Homosexuality*, 280-1.

¹¹¹ Chua, “The Strange Career of Gross Indecency,” 700-2.

¹¹² Ibid., 700. While the earlier Section 377 (1860) had criminalised sex “against the order of nature,” Section 377A allowed easier prosecution of male homosexual acts.

¹¹³ Lowrie, “White ‘Men’ and Their Chinese ‘Boys,’” 35.

¹¹⁴ Ibid., 36, 38.

¹¹⁵ Ibid., 52, 56.

were often portrayed as pliant and obedient, colonisers feared that increased intimacies would allow them to commit theft and acts of aggression, or possibly lead to an overreliance on servants.¹¹⁶ The scandal of the sexual encounters between European men and Asian servants lay in the possibility of upsetting the expected power imbalances in the household, which could threaten colonial hierarchies of race and class.

In South Asia, cases of British men who committed sexual acts with young boys were not uncommon. For instance, Robert Aldrich has written about the manuscript of Captain Kenneth Searight, who worked as an officer of the Indian Army in the early twentieth century. Searight's manuscript contained the names of over a hundred boys whom he apparently engaged in sexual activities with. While he preferred British boys to foreign boys, the youngest boys he had sex with were South Asians abroad. The records of his sexual encounters reflected prevailing stereotypes of homoerotic fantasies in British India, where young boys in certain regions (such as north India) were thought to be prone to homosexual acts. The exoticisation of places such as bathhouses in the colonies was also reflected in the manuscript, where these sites laid outside of colonial norms of propriety and served as sites of illicit sexual activity.¹¹⁷ However, in publications that were not simply meant for private viewing, same-sex sexual acts were often euphemised as “immoral” or “unnatural” practices but this did not obfuscate or conceal the publicity of homosexual acts, since it was an “ineffective method of preventing public discourse.”¹¹⁸

Aside from literature on masculinity and homosexuality in the British Empire, this chapter also examines implications of the legal proceedings of a scandal involving child sexual abuse in a British colony. Emily Manktelow has investigated the intersections between

¹¹⁶ Ibid., 56.

¹¹⁷ Aldrich, *Colonialism and Homosexuality*, 280-1.

¹¹⁸ H. G. Cocks, *Nameless Offences: Homosexual Desire in the 19th Century*, (London: I. B. Tauris Publishers, 2003), 85.

gender, power, and sexual abuse in nineteenth-century Tahiti in her book titled *Gender, Power and Sexual Abuse in the Pacific: Rev. Simpson's Improper Liberties*. The book is a microhistory of child sexual assault allegations that spanned decades. Reverend Alexander Simpson was an evangelical missionary accused of assaulting missionary children under his supervision at the South Seas Academy. The claims were finally made public a decade later, although they were aggressively censored by colonial officials. The London Missionary Society's directors appointed a committee to investigate the complaints against Simpson, finally deciding that while the accusations were serious, “nothing was adduced of the nature of satisfactory evidence.”¹¹⁹ The result was that the information presented by the accusers was too old to be true since it had been “stretched and exaggerated through gossip and insinuation,” and hence no action was taken against Simpson.¹²⁰

Manktelow sees the mission archive as a further manifestation of the “imperial eye” – “the all-knowing, all-seeing, and all-understanding colonial gaze” – but cautions historians of missionaries from discarding these materials because of the messiness and contradictions in the content. She invites historians to try to deconstruct and decentre colonial archives since ignoring and negating the problem of colonial knowledge hegemony positions it as another monolithic frame of knowing.¹²¹ Manktelow writes about the fragmentary nature of the archival files she works with, which she characterizes as “patchy, uneven and out of sequence.” Portions of the documents have been copied from other sources and may lack the original author, intended recipient and date. This is a problem because most of the archival documents she relies on are letters relating to Simpson and the missionary organisation. The main problem, however, is that the ages of the girls involved vary from document to

¹¹⁹ Emily J. Manktelow, *Gender, Power and Sexual Abuse in the Pacific: Rev. Simpson's 'Improper Liberties'*, (London, New York, Oxford, New Delhi, Sydney: Bloomsbury Academic, 2020), 21.

¹²⁰ Ibid.

¹²¹ Ibid., 55.

document, given that age is central to conceptualising and defining child abuse. Instead of trying to identify the most likely ages of allegedly-abused children, Manktelow focuses on the connections between age and the missionaries' perception of Tahitian girls, especially on their perceived hypersexuality.¹²²

Likewise, the archives used in *Besant v. Narayaniah* cannot be read at face value. The euphemisms used in the legal documents and newspapers must be read between the lines, and the public nature of sexual scandals means that the extent of the veracity of accusations and incidents cannot be assumed. However, as the aforementioned historians have mentioned, it is possible to investigate the ways in which sexuality and masculinity was framed in relation to Leadbeater, in terms of race and class in colonial India and the rest of the British Empire.

Moral Corruption?

The case of *Besant v. Narayaniah* revealed the cracks in the facade of the colonial racial and class hierarchy that was inherently tied to individual morality. I argue that the public scandal surrounding the figure of Charles Leadbeater threatened to delegitimise the authority of colonial rule, which was based upon the moral and racial superiority of white colonisers. With the revelations of Leadbeater's history of inappropriate behaviour with young boys and allegations of his sexual abuse of Krishnamurti, Leadbeater deviated from respectable sexual norms and beliefs. However, Leadbeater was simultaneously redeemed by British colonial officials through explanations of his actions as misplaced attempts at tempering his sexually deviant desires, which deescalated colonial anxieties through claims that his misplaced intentions did not condemn his inherent character, which ultimately aligned with ideals of masculine middle-class respectability. This section first examines how Leadbeater attempted to justify his actions, which he framed as exercises in the sexual

¹²² Ibid., 101-2.

restraint of young boys for the sake of their welfare. I then examine how this was perceived by Besant and other figures in the courtrooms, as well as the role of the colonial press, which demonstrated how Leadbeater had upset colonial hierarchies.

The primary contention of the case centered around the immorality of Leadbeater, stemming from the allegations made by Narayaniah that Leadbeater had touched Krishnamurti inappropriately, along with a history of encouraging and teaching young boys in his care to masturbate. The availability of archival documents related to the case helps to reveal Leadbeater's perspective and justification of his alleged actions, which is somewhat unusual considering the tendency towards euphemism and intentional silences when dealing with scandals about white men's sexuality.¹²³ Curuppumullage Jinarajadasa, a Theosophist member and Leadbeater's close associate, wrote in a 1906 circular:

In the generality of boys there are few whose constitution is such that they have no strong desire to gratify sexual instinct. They reach manhood and marry and the husband is as virgin as the wife. But there are many boys who are so built that sexual passions arise early, very largely for purely physiological reasons. [...] The world's general solution is illicit intercourse with women. This is not considered a crime, and many a doctor advises it under these conditions. Mr L.'s opinion is that this is not justifiable. He holds that when a boy is full of these thoughts, he is surrounding himself with undesirable influences that act and react on him. [...] Let the boys, according to Mr. L., under these conditions, ease his physical nature through what is called self-abuse, and so make it possible to free himself from the thoughts, devising safeguards and precautions with the idea that the boy might pass through a critical

¹²³ Cocks, *Nameless Offences*, 79-90.

period with the least harm to himself. Mr. L. admits that he has so advised certain boys.¹²⁴

Leadbeater's self-admission that he had taught young boys to masturbate appeared more disturbing upon cross-examination, when he admitted that he had told boys that "it was not a matter to be talked about" to their parents or friends at school.¹²⁵ Leadbeater's position that masturbation was necessary for young boys to curb their desires to engage in premarital sex was not shared by Besant or other Theosophical Society members. However, Besant defended Leadbeater as being "thoroughly sincere" in his motivations despite being misguided, and that he had "never had for a moment any immoral intent at all."¹²⁶ In essence, this defence of Leadbeater as a mistaken caretaker with good intentions aligns with the need to preserve Leadbeater's reputation in colonial India. His actions as an Englishman threatened to delegitimise the coloniser's claim to moral superiority, yet he justified his motivations by explaining that it emerged from a need to regulate primitive, biological desires. As a middle-class white man who was accused of paedophilia and sodomy, the moral charge against his character could be placated with the explanation that he was attempting to exercise and teach self-control in court, in his own defence. The notion that sexual deviancy was a "marker of degeneration" attributed to the lack of self-discipline was mitigated in this case by Leadbeater's apparent intentions to educate these young boys.¹²⁷ This line of defence targeted the deeper concerns of the scandal by asserting that Leadbeater was indeed capable of self-control and thus morally upright, although he was temporarily led astray by mistaken beliefs that went against sensible norms of sexual propriety.

¹²⁴ Exhibit PP, Jinarajadasa's Circular, 26 April 1906 in NA/PCAP 6/648.

¹²⁵ Ibid., 374-5.

¹²⁶ Ibid., 353-4.

¹²⁷ Upchurch, "Liberal Exclusions and Sex between Men in the Modern Era," 425.

Yet, Indian newspapers remained highly critical of Leadbeater and Theosophy, despite Besant's attempted defence. With the involvement of Annie Besant, the scandalous allegations against Leadbeater and anti-Theosophist sentiments, the case was widely covered in colonial India. The outcome of the case seemed to prove that the British were not all morally superior to the colonised, and English language Indian newspapers gleefully picked up on it. These newspapers celebrated the initial judgement in the High Court of Madras, which resulted in a loss of guardianship for Besant and Leadbeater. The English-speaking Indian population, who were more highly educated, showed support for Narayaniah while condemning Leadbeater and Besant, as well as the Theosophical Society. After the judgement in favour of Narayaniah, *The Leader*, a newspaper from Allahabad, wrote with satisfaction about the "fair judgment" and celebrated "a vindication of common sense in view of recent developments in the Theosophical Society", referring to the allegations of child sexual abuse against Leadbeater.¹²⁸ The newspaper also claimed that the boys were "saved the peril of demoralising deification," pointing out that forgoing an English education in favour of Theosophical teachings was detrimental to the boys' upbringing. *The Leader* further added that "the effect of this judicial declaration must be immense and far-reaching on the popularity of the theosophical society in this country."¹²⁹ *The Tribune* indicated that "various wealthy and influential Hindus [...] had been watching the growth of the "Alcyone" cult with anxiety and suspicion," who would "act with a religious motive" to financially support

¹²⁸ Tillett, *The Elder Brother*, 6. *The Leader* was established by Madan Mohan Malaviya in Allahabad aligning themselves with the moderates in the Indian National Congress. Natarajan, *A History of the Press in India*, 158.

¹²⁹ *The Leader*, 17 April 1913, 3.

Narayaniah in his legal fees.¹³⁰ It was also asserted that Leadbeater, with the aid of Besant, had Krishnamurti under psychological, emotional and physical control.¹³¹

English-speaking Indian elites were clearly suspicious of Besant and Leadbeater, which was made worse by the classification of Theosophy as a “cult”, and the portrayal of the boys as trapped by Leadbeater.¹³² *The Indian Spectator*, a newspaper based in Madras, critiqued the evidence against Leadbeater as “shocking and sickening” for “ordinary mortals.”¹³³ The newspaper was scandalised by “educated Hindus” who supported Leadbeater and his involvement in the Theosophical Society, despite the fact that Hindu beliefs condemned “incontinence” and stressed that “austere discipline” was necessary for devotees.¹³⁴ Another newspaper based in Bombay, *The Indian Social Reformer*, claimed that the outcome of the case was a victory for Indian society, since Theosophy relied on the “most reactionary and out-worn customs of Indian Society” which went “against social reformers and social reform.” The allegations of child sexual abuse were deemed to be a result of a wayward esoteric religion that had “escape[d] from the sunshine of public opinion,” which resulted in “objectionable Tantric rites.”¹³⁵ The euphemisms used to condemn Leadbeater does not obfuscate the opinions held by these newspapers, which reflects the popular perception amongst the English-educated Indian elites that sexual scandal arose from the

¹³⁰ “Case Against Mrs Besant,” *Tribune*, 1 November 1912, 2. The *Tribune* was an Indian-owned newspaper in Lahore, and it was somewhat aligned with the *Leader* in its political views. Natarajan, 180-181.

¹³¹ ‘Alcyone’ was the symbolic name given to Krishnamurti in 1910, which was used as his pen name for his first book, *At the Feet of the Master*, which some newspapers alleged that it was ghostwritten since the writing was too sophisticated for a ten-year-old child to author.

¹³² The politics of the Theosophical Society, which was generally esoteric and opaque, drew some attention. See *The Leader*, 29 May 1913, 7. Details were published about decisions made by the local Theosophical branch regarding the case. Six members had attended a meeting to vote on a motion, which would approve Besant appealing against the first outcome of the case. The majority were opposed to it since they saw the case as Besant’s personal affairs and not that of the Theosophical Society.

¹³³ *The Times of India*, 23 April 1913, 8. *The Times of India* was a major Anglo-Indian newspaper, and it republished these two articles. In more precise terms, the newspaper explains that “nothing can exceed the audacity with which Mr. Leadbeater avowed that he had approved of nasty practices as a means of astral development.”

¹³⁴ *Ibid.*

¹³⁵ *Ibid.*

threat of Theosophy, British masculinity and unchecked male sexuality as a threat to Hinduism and Indian ‘customs.’ The exposure of the supposed ignorance and moral corruption of Theosophy, a movement which claimed an all-knowing understanding of Oriental religions, can be seen as a critique of the lack of control that the colonial government had over its British settlers in India.

Shifting Anxieties across the Empire

Besant v. Narayaniah demonstrates the transnational reach of Theosophy, which shows how knowledge was constantly flowing between colonies and reinterpreted in the process. The case was not only hotly debated in transnational Theosophist circles, but it also attracted the attention of many newspapers from different parts of the British empire. This included the metropole, dominions and colonies, including England, Australia, Hong Kong and Singapore.¹³⁶ In this section, I argue that coverage of the case did not simply spread across the empire’s newspapers, but different concerns relating to the case were highlighted, which varied according to the contextual colonial politics and moral anxieties evident in different colonies and the metropole. I examine the coverage of the case in Australia, which covered the case more so than other colonies beyond Britain and India. Australian editors and the reading public were scandalised and followed the case closely in the newspapers. Compared to other colonies, Theosophy and Leadbeater’s behaviour were heavily scrutinised in Australian newspapers. Prominent Theosophists were travelling to Australia in the early twentieth century to give talks and organise Theosophist meetings, which increased the public profile of Theosophy.¹³⁷ Members from the Theosophical Society travelled widely to give talks, organise discussions and share publications. In Australia, the controversy over

¹³⁶ Some examples include: *The Daily Telegraph* (England), 6 May 1914, 4; *South China Morning Post* (Hong Kong), 3 December 1912, 10; *The Straits Times* (Singapore), 7 November 1912, 2.

¹³⁷ Tillett, *The Elder Brother*, 120.

Theosophy centered around its acceptance of all religions, and the refusal to elevate certain religions over others. This, along with the belief in karma and reincarnation, was antithetical to Christianity. Theosophists encouraged open discussion and religious scepticism, which included challenging Christian doctrines with spiritual traditions from India. This religious syncretism was seen as taboo for many colonial Christians, who saw India as a land to be saved and evangelised, which had led to the proliferation of missionary movements, especially from the 1870s onwards.¹³⁸ This debate would play out in the discussions surrounding *Besant v. Narayaniah* in Australia, along with controversies over Leadbeater's character.

The threat of the Theosophists' encroachment in the colonies, fears of homosexuality and racial discrimination all contributed to the sensationalised coverage of the case in Australia, shifting concerns about child guardianship from being primarily centred on the applicability of guardianship, jurisdiction laws in India and Theosophy to a greater focus on the spread of Theosophy and homosexuality. Print publications such as *Truth* (Sydney), *The Australasian* (Melbourne) and *The Courier-Mail* (Brisbane) were primarily focused on Leadbeater's homosexuality and his involvement in Theosophy.¹³⁹ While colonial Australia absorbed metropolitan conceptions of manhood and masculinity, a kind of hypermasculinity emerged that transcended stereotypes associated with British imperial masculinity. Clive Moore attributes this intensely violent masculinity to the "often overwhelming maleness of an atomised society," an overly skewed gender ratio in the settler colony favouring men, and the perceived masculine ideals of aggression and heteronormativity on which settler colonialism

¹³⁸ Tony Ballantyne, *Webs of Empire: Locating New Zealand's Colonial Past*, (Vancouver; Toronto: UBC Press, 2014), 94-5.

¹³⁹ See "Annie's Colored Pet, the Youth "Alcyone"," *Truth*, 18 January 1914, 11; "Luminous Leadbeater," *Truth*, 9 July 1916, 9; "The Menace that is Leadbeater," *Truth*, 28 February 1926, 11; "Mrs. Besant's "Messiah"," *The Australasian*, 4 September 1926, 6; "To The Editor," *The Brisbane Courier*, 11 November 1914, 10.

was founded.¹⁴⁰ Australian masculinity has also been related to the inherent violence involved in the expansion of European settlement and the context of “the frontier,” which contrasted sharply with dominant British middle-class norms of masculinity that prioritised the self-discipline of aggressive impulses.¹⁴¹

The rejection of homosexuality to preserve this hypermasculinity was thus more intense in Australia than in India or Britain.¹⁴² The newspapers of the day covered the involvement of Besant, Leadbeater and Krishnamurti in a scandalous fashion. Australian newspapers such as *The Truth* featured sensationally titled articles like “Annie’s Coloured Pet, The Youth ‘Alcyone,’” “The Nauseous Leadbeater” and “Theosophical Tarradiddles.” The Sydney-based tabloid drew upon the case of the prosecution of Oscar Wilde for gross indecency in 1895, comparing it to the scandal of Leadbeater’s homosexual inclinations:

Australian Theosophists, and many who are not Theosophists, are, just now, intensely interested in some cablegrams that have been published as to proceedings being taken against that successor of the charlatan Helena P. Blavatsky, Mrs. Annie Besant. It is not surprising that they are interested, for some of the allegations that have been made in reference to the matter that is about to be thrashed out, apparently, in the law courts of Madras, India, are likely to cause almost as big a sensation as was caused by the prosecution and condemnation of the famous Oscar Wilde. It is true that the literary man [Leadbeater] whose name is pretty certain to be mentioned in connection with

¹⁴⁰ Clive Moore, “Colonial Manhood and Masculinities,” *Journal of Australian Studies* 22, no. 56 (January 1998): 48, <https://doi.org/10.1080/14443059809387359>. Moore refers to Fairburn’s definition of an ‘atomised society’ on page 45 as one where “individuals often lacked kin or any substantial social security; loneliness and alcoholism were part of the male lifestyle”.

¹⁴¹ Angela Woollacott, “Frontier Violence and Settler Manhood,” *History Australia* 6, no. (January 2009): 11-12, <https://doi.org/10.2104/ha090011>.

¹⁴² In Australia, there was an absence of writings on sex between men in medical texts even after such discussions appeared in Britain. See Lisa Featherstone, “Pathologising White Male Sexuality in Late Nineteenth-Century Australia through the Medical Prism of Excess and Constraint,” *Australian Historical Studies* 41, no. 3 (September 2010): 337-351, <https://doi.org/10.1080/1031461X.2010.493949>.

these proceedings is not, by any means, the possessor of a genius equal to that of Wilde; and that his writings are only of the mystical kind in which those persons delight who have sought to popularise Hinduism (under the name of Theosophy) among white peoples.¹⁴³

Homosexuality was often characterised as a sign of moral weakness, thus implying that Wilde and Leadbeater's preference for male-male sex would lead to paedophilia.¹⁴⁴ The history of the charges in 1906 against Leadbeater's "debasing, debilitating and disgusting" actions towards the young boys he was in charge of was also highlighted in the newspaper.¹⁴⁵

A Brisbane newspaper published five letters written to the editor under the heading 'Theosophical Propaganda'.¹⁴⁶ These articles and letters closely followed the developments of the case in India, demonstrating the transnational links between not just Theosophists themselves, but also those who were concerned about this new and unfamiliar movement. There were anxieties over the arrival of Leadbeater in 1914 after the conclusion of *Besant v. Narayaniah*, who was seen as a morally disreputable man due to the sexual allegations in the *Narayaniah* case, which was tied to the uncertainties over Theosophy's place in the religious and social landscape of Australia. The Australian case study shows that the public negotiation of Theosophy identity occurred in trans-imperial context and was always subjected to

¹⁴³ "Sensational Statements," *Truth*, 8 December 1912, 10.

¹⁴⁴ *Ibid.*

¹⁴⁵ In 1906, Leadbeater was accused of teaching the fourteen-year-old son of a member of the Theosophical Society in Chicago to masturbate, as well as the son of another Theosophical member, who Leadbeater wrote to in code: "Glad sensation is so pleasant. Thousand kisses darling." Lutyens, *Krishnamurti*, 16. An example of the attitudes of Australian Theosophists towards Leadbeater after the 1906 incident, published in the Australian media, comes from an earlier 1909 article in the *Truth* from a Dr. Eleanor Hiestand, who stated her opposition to the new Order of the Star in the East: [I]f fellows like Leadbeater were to be tolerated in the ranks of the society, it would soon become an attraction for the homosexual, a sort of magnet for the morally malformed. [...] [A]lready, much mischief had been done in this respect. We hope this stage has not been reached— we do not believe it has— but we must say that we hope Australia will be saved from such a cult as that of the Order of the Star in the East, which seems to worship as the probable dwelling-place of a deity the strangely-named colored boy who has become the protege of the nauseous Leadbeater. "Sensational Statements," *Truth*, 8 December 1912, 10. Also see Tillett, *The Elder Brother*, 140.

¹⁴⁶ 'Theosophical Propaganda,' *The Brisbane Courier*, 11 November 1914, 10.

information that spread through colonial networks. The article clearly associated Leadbeater, the “morally malformed” homosexual, with the supposed danger of the “cult” of the Order of the Star in the East, which was a Theosophical organisation set up by the Theosophical Society in Madras.

The Australian press was much more overt in its condemnation of homosexuality, which was linked to the spread of Theosophy, when compared to Indian newspapers which alluded to homosexuality as “improper” conduct. During the late 1880s and 1890s, Theosophical societies gained prominence and formed part of the expanding networks of colonial movements. Theosophists visited places such as Australia and New Zealand to give speeches and meet like-minded intellectuals. Syncretism in Theosophy, which reduced Christianity to one of many religions, was considered a threat to Protestant beliefs held throughout the colonies. This put the moral principles of Christianity in the colonies at risk, as Christian colonisers disagreed with the romantic view of India as “a source of spiritual renewal” and instead saw missionary work as necessary to extend and expand imperial enterprise to engage in rescue missions of the colonised. Theosophy ran the risk of undermining the Christian missionary project, which was linked to the project of white Australia, exemplified in the state programmes that removed indigenous children to mission stations and government-run institutions.¹⁴⁷ As a result, Australian newspapers were concerned about the potential spread of Theosophy and homosexuality due to concerns about the permeability between colonies, which could bring in undesirable people such as Leadbeater from other parts of the British Empire.

The coverage of the case in Britain was different, focusing on the legality of guardianship rather than scandalous mentions of homosexual desires, in comparison to

¹⁴⁷ Kama Maclean, “Examinations, Access, and Inequity within the Empire: Britain, Australia and India, 1890-1910,” *Postcolonial Studies* 18, no. 2 (3 April 2015): 120-22, <https://doi.org/10.1080/13688790.2015.1044483>.

Australia. By the turn of the twentieth century, the British press had adopted Victorian euphemisms of homosexuality, avoiding direct or explicit references to sexual acts. British newspapers did cover legal cases related to the homosexual practices of authority figures in educational institutions like schoolmasters and vicars to some extent, but the avoidance of explicitly scandalous reports on homosexuality suggests that *Besant v. Narayaniah* carried different political implications in Britain. While Leadbeater was condemned by Indian and Australian newspapers, it seems that the metropole's newspapers sought to uphold colonial respectability for their readers. An example is the coverage of the 1912 lawsuit that Narayaniah filed against Besant, which fails to mention the main reason for the suit – the allegations of Leadbeater's child sexual abuse. Instead, the news article implied that Narayaniah was not reliable and claimed that the children were getting ready to attend Oxford. This diminished the credibility of Narayaniah, contradicting his earlier statement that the boys were prevented from advancing to higher education in Britain.¹⁴⁸ According to a separate article in the *Daily Mail*, Narayaniah demanded the return of his children due to his disagreements with the members of the Theosophical Society, but this was not an accurate representation of the plaint. Krishnamurti and Nityananda were also often referred to as the "two Hindu boys" or "Hindu youths" instead of their names, which emphasised their Otherness rather than as individuals to be sympathetic towards.¹⁴⁹ "English Education of Two Poor Hindu Boys," a 1914 article published by the *Daily Mail* highlighted the boys' move to Britain as an escape from living in poverty with Narayaniah, who was described as "a Hindu in poor circumstances." In British newspapers, they were often perceived to be reluctant to

¹⁴⁸ "Wants His Sons Back," *Nottingham Evening Post*, 28 October 1912, 3.

¹⁴⁹ See "Guardianship of Hindu Boys," *The Daily Telegraph*, 6 May 1914, 4; "Two Hindu Boys," *The Manchester Courier*, 6 May 1914, 8.

return to their home country, despite the lack of any direct quotes from the boys.¹⁵⁰ The muted coverage of Leadbeater, as well as the avoidance of mentions of child sexual abuse and homosexuality in Britain thus suggests that instead of scandalising the case, British newspapers were inclined to frame the case as one based on the determination of legitimate guardianship, and the case as one of a classic child rescue mission from poverty.

Concluding Remarks

The colonial Indian government was often anxious to maintain racial hierarchies and boundaries between coloniser and colonised, partly through the regulation of sexuality. Deviant sexuality, such as Leadbeater's, was in turn connected to perceived immorality, but the extent to which this trope was played up in the Empire differed in relation to other concerns, such as the threat of the corrupting influence of colonisers in India, or the anxieties around Theosophists in Australia who were seen to be morally corrupt. Leadbeater's sexual scandal revealed the cracks of the colonial state's control over the reputation of white men in colonial India, which was heavily publicised in newspapers consumed by English-educated Indian elites. Yet, while Leadbeater was condemned in court, he was not found guilty of any criminal charges of sodomy against the boys, despite eyewitnesses' statements. His proclaimed intention of guiding young boys to masturbate was perceived to be misguided by colonial judges, but not severe enough to be criminally charged. However, Indian newspapers seized the opportunity to criticise Leadbeater, Besant and the Theosophical Society, which Indian elites saw as corrupting influences on Krishnamurti and Nityananda. The idea that a British man was engaged in inappropriate sexual behaviour with a young Indian boy incensed newspapers, which questioned the argument for the Theosophical Society to continue operating freely in colonial India. Nevertheless, Leadbeater's involvement in the case reveals

¹⁵⁰ The only "direct" quotes from the boys were found in the letters presented as evidence by Besant for her appeal, which were all written to her.

how colonial norms of sexuality were reinforced through the very presence of discussions over his alleged sexual proclivities.

Additionally, the implications of Leadbeater's involvement in the sexual scandal were not limited to colonial India, but they were far-reaching across the British Empire. The scandalisation of the case in the media changed according to the narrative that newspapers wanted to depict, which was dependent on their attitudes or anxieties towards different aspects of Leadbeater's involvement in the case. For instance, the concerns in India were centered around the perceived corruption of Krishnamurti and his brother's upbringing, as well as the immorality of British colonisers. In Australia, tabloids were quick to heavily condemn Leadbeater for his homosexuality, rather than focus on the boys themselves. Australian newspapers were also more concerned with the involvement of Theosophists in the case, since Theosophists often travelled to the settler colony to speak and convert people to their movement, which was regarded with some suspicion because of its religious syncretism and devotion to Eastern religions that could threaten the dominance of Christianity. Leadbeater became a public example of the ills of Theosophy, thus justifying the wariness towards the occult movement. However, in the metropole, the case received less attention compared to India or Australia. Coverage of the case focused on the legality of child guardianship, and avoided mentions of the sexual scandal surrounding Leadbeater and Besant's complicity. British newspapers also tended to exaggerate the dismal living conditions that the boys were in before being under the care of Besant, claiming that the boys were not at all keen to return to India. The metropolitan newspapers were hence more concerned with maintaining the respectability of the British in India, and keen to emphasise the case as an example of a successful child rescue mission.

Chapter 4 - Krishnamurti: Child Protection

Jiddu Krishnamurti, who would later leave the Theosophical Society and become a renowned philosopher and author, was only seventeen years of age when the lawsuit was filed in 1912, but he was past the age of intellectual majority by 1913. *Besant v. Narayaniah* brought debates over evolving definitions of childhood to light. In this chapter on Krishnamurti, I focus on how the scandal partly erupted over different conceptions of how the Indian child should be raised and protected from corruptive influences, which was an important point of contention in the courts and the press. This is analysed in the context of changing notions of childhood across the empire. However, the Indian child was also seen in a less romantic light than the British child, and they were relegated to the peripheries of society. Krishnamurti was assumed to be an adolescent despite being on the cusp of legal majority, but his childhood and adolescence also became public as an open subject for debate by his caretakers, Theosophists, judges, lawyers, and the media.

Additionally, the very boundaries of childhood were contested in the courts, since Krishnamurti's age awkwardly straddled the shifting divide between childhood and adulthood. Besant's appeal to the High Court of Madras after the first ruling in favour of Narayaniah attempted to position Krishnamurti as an adult instead of a child, which would allow her to retain guardianship. The Indian courts favoured the natural father as guardian, and by claiming Krishnamurti should be considered an adult, he was free of the patrilineal custodial stipulations in the Guardians and Wards Act. the decision over whether Krishnamurti could be considered a minor was thus essential in determining the outcome of the case.

Conceptions of Childhood across the Empire

Conceptions of childhood across the British Empire evolved spatially and temporally, and understanding the historical change in understandings of childhood sets the stage for

analysing the legal and media debates over *Besant v. Narayaniah*. Historians of childhood have often focused on European contexts, and thus there is a more substantial literature on British childhoods as compared to Indian childhoods.¹⁵¹ Conceptions of childhood in the metropole changed over time, and these ideas had some influence on colonial ideals of childhood.

In Britain, the state was unconcerned about child rescue before the nineteenth century. Children were also seen as useful for labour, such as chimney cleaners since they were small and nimble enough to maneuver into tight spaces that adults could not deal with.¹⁵² Over the course of the nineteenth century, a more Romantic rather than Christian notion of childhood took shape. There was more focus on saving children, but this was led by philanthropic and missionary associations, in which women were often heavily involved, instead of a concerted effort by the state.¹⁵³ However, from the 1880s onwards, child rescue would become essential to the state with a rapid rise in birth rates and longer life spans. The metropolitan state became concerned over controlling the growing population in cities, and there were anxieties

¹⁵¹ Philippe Ariès, *Centuries of Childhood: A Social History of Family Life*, trans. Robert Baldick (New York: Knopf, 1962); David Hunt, *Parents and Children in History: The Psychology of Family Life in Early Modern France* (New York: Basic Books, 1970); Lloyd deMause, ed., *The History of Childhood* (New York: Harper & Row, 1974); Hugh Cunningham, *Children and Childhood in Western Society since 1500* (London: Routledge: 1995; 2005; 2020); Cunningham, "Histories of Childhood," *American Historical Review* 103, no. 4 (1998): 1195–1208; Mary Niall Mitchell, "Children and Childhood," *William and Mary Quarterly* 68, no. 1 (2011): 173–177. Beyond general histories of Western histories of childhood, also see David M. Pomfret, *Youth and Empire: Trans-Colonial Childhoods in British and French Asia*, (Stanford, California: Stanford University Press, 2016); Satadru Sen, *Colonial Childhoods: The Juvenile Periphery of India 1850–1945*, (London: Anthem Press, 2005). Historians of colonial South Asia have also tended to focus more on girlhood than boyhood: Tim Allender, *Learning Femininity in Colonial India, 1820–1932*, (Manchester: Manchester University Press, 2016); Ruby Lal, *Coming of Age in Nineteenth-Century India: The Girl-Child and the Art of Playfulness*, (Cambridge: Cambridge University Press, 2012); Kristine Moruzi and J. Michelle, eds. *Colonial Girlhood in Literature, Culture and History, 1840–1950*, (London: Palgrave Macmillan UK, 2014); Shobna Nijhawan, *Women and Girls in the Hindi Public Sphere: Periodical Literature in Colonial North India*, (New Delhi: Oxford University Press, 2012). Also see the 2020 AHR roundtable on the history of childhood.

¹⁵² Cunningham, *Children and Childhood in Western Society*, 109.

¹⁵³ *Ibid.*, 110. "In the philanthropic/missionary discourse we can often sense shock at the distance between the actuality and ideals of childhood as experienced within the middle and upper classes, and what they observed within the mission field. They saw 'children without childhood'. The essentially Romantic rather than Christian view of childhood as properly protected and dependent, and separate from adulthood, which had become dominant in the first half of the nineteenth century, provided a motivating reference point for any philanthropist."

about the viability of mass education. British politicians wanted to ensure that the potential of children, who would shape the future working masses, was maximised to ensure that the industrial state would thrive economically. The British government enacted mass child rescue programmes, which rehomed children who were engaged in from child labour, as well as those who were trapped in poor living conditions on the streets, or victims of child abuse. British children were thus placed in categories of dependency towards the turn of the century, and they were understood as vulnerable beings in need of protection and segregation from the cruel hardships of life. Their natures were thought to consist of “plasticity and innocence,” which meant that they could be molded to suit ideals of the perfect child.¹⁵⁴

White settler colonies such as Australia and New Zealand saw themselves as forward-thinking and progressive as compared to indigenous societies and the metropole, which led to their stances on women’s and workers’ rights, as well as child welfare. This led to the dispossession of indigenous children, who were removed from their families and given to white families to be “civilised.” Indigenous girls were placed with white families usually as domestic servants, while indigenous boys were institutionalised in missions and ‘reserves’.¹⁵⁵ Childhood was idealised as the happiest and most carefree period in life.

Yet, this idealised conception of childhood would change in the colonial context. The universality of childhood as “plastic” and “innocent” would apply to Indian children, but not in its entirety. Strict categories and binaries were key for colonial administrators to govern and claim moral authority in the colonies, and the emerging distinct category of childhood was no exception. While British children came to be seen as separate from the adult world and “excluded from various forms of political, economic, social and sexual privilege,”

¹⁵⁴ Sen, *Colonial Childhoods*, 212.

¹⁵⁵ Marilyn Lake, *Progressive New World: How Settler Colonialism and Transpacific Exchange Shaped American Reform*, (Cambridge, Massachusetts: Harvard University Press, 2019).

Colonised children were thought to possess a parallel, but altered nature that differed from British children.¹⁵⁶ Indian children were seen as precocious adults who matured quicker than their British counterparts, excluding them from the privileges of a sheltered childhood. Questions of morality, or debates over where colonial children belonged in the binary between nature and nurture were not as clear cut as in the metropole. Indian children were constantly compared to British children, especially those who were of the working class. There were some similarities between the figures of the Dickensian child living on the streets and the Indian child who found themselves in conditions of poverty within the slums. However, elite Indian children were seen as oddities by the colonial government, since they were judged to be “overly dependent, sexually knowing, insufficiently heterosexual, politically wayward and averse to discipline.”¹⁵⁷ Elite Indian children thus challenged colonial administrators’ ideals of universality, and while they were still perceived as obedient and innocent to some extent, they did not quite fit within the familiar molds of categories of childhood in the metropole.

Between the nineteenth century and the start of the twentieth century, the nature of childhood was perceived in opposition to masculinity. This meant that children were not just seen as naive, immature, and innocent, but were also associated with the feminine and effeminacy. Indian children were relegated to the margins, and changing notions of childhood pushed them further into the peripheries of colonial discourse and power. Yet, Indian children were able to elude the control of colonial authorities, especially in different forms of resistance in the child reformatory, as Satadru Sen has pointed out.¹⁵⁸

¹⁵⁶ Ibid., 2.

¹⁵⁷ Ibid., 3.

¹⁵⁸ Sen, *Colonial Childhoods*, 66.

Examining deviations from the metropolitan concept of childhood are necessary to highlight that the colonial state and society did not make up a monolithic, all-powerful structure, but one that was complex and nuanced. Child custody was almost always tied to a discourse of the wellbeing of the child in the courts, which was in turn related to reproductive politics and accepted familial structures. In *Besant v. Narayaniah*, the welfare of the child concerned those who were anxious about the opacity of Theosophy, which was seen as an esoteric religion with transcolonial links that threatened the colonial state.

Scandal and Child Welfare

Changing perceptions of childhood were key in shaping the increasingly protective regulations over the responsibility of caring for the child in colonial India.¹⁵⁹ The legal history of guardianship can be divided into the periods before and after the 1890 Guardian and Wards Act (GWA), which gave colonial courts the authority to override personal laws and to decide on custody based on the welfare of the child.¹⁶⁰ Prior to this legislation, rules regarding guardianship varied between Hindu and Muslim personal laws. In the colonial legal system of India, there was a strong emphasis on interpreting pre-colonial texts as the basis for legal pluralism, guided by the colonial government's interest in institutionalizing indigenous customs and regulations. Under Warren Hastings' 1772 Judicial Plan, Hindu and Muslim laws were distinct. Civil and religious complaints were categorized based on the complainant's religion, with Hindus following the Shastras and Muslims adhering to the laws of the Qur'an. However, the colonial government perceived Indian society as conservative and backward. In 1864, the Indian Law Commission asserted that Hindu and Muslim laws were only applicable in personal matters, covering issues such as inheritance, marriage, and religious practices. Colonial Hindu guardianship law traced its origins to the Vedic Age, where authority rested with

¹⁵⁹ Ibid., 1-2, 71.

¹⁶⁰ Guardian and Wards Act (1890), <https://indiankanoon.org/doc/1874830/>.

the male head of the family. For those not part of the "twice born" castes (Brahmins, Kshatriyas, and Vashiyas), the king assumed responsibility as a guardian for those without extended family.¹⁶¹ Various forms of guardianship also existed, such as discipleship under a guru or within a monastic order.¹⁶² The system of Hindu personal law emphasized birth as the basis for defining communities, a concept that carried over to how Indian families were governed under colonial rule, including matters of child guardianship. By 1890, however, the enactment of the GWA granted district courts the authority to decide on the appointment of guardians for minors, regardless of religion.

Yet, the definition of child welfare was ambiguous in the Act, and it was dependent on the judges to interpret the law as they saw fit. As *Besant v. Narayaniah* unfolded in courts and was disseminated in newspapers, Krishnamurti became the centre of a debate over child welfare, allegations of sexual abuse and guardianship. Child custody was perceived to be determined by the wellbeing of the child as decided by the court, and Krishnamurti was seen as an unfortunate child who was subjected to a corrupted childhood in the care of Leadbeater, an alleged sexual offender. The welfare of the child concerned those who were anxious about the opacity of Theosophy, which was seen as an esoteric religion with transcolonial links that threatened the colonial state. The use of euphemisms and ambiguity in legal testimonies added more leeway for a collective public outrage, which was also tied to a recognition that childhood was a sacred period in life that was meant to be protected.¹⁶³

¹⁶¹ Bajpai, 176-7.

¹⁶² See Indrani Chatterjee, *Forgotten Friends: Monks, Marriages, and Memories of Northeast India*, (New Delhi; Oxford: Oxford University Press, 2013); Jacob Copeman and Aya Ikegame, eds. *The Guru in South Asia*, (London; New York: Routledge, 2012).

¹⁶³ For literature on child sexual abuse, see: Padma Anagol, "Historicising Child Sexual Abuse in Early Modern and Modern India: Patriarchal Norms, Violence and Agency of Child-Wives and Young Women in the Institution of Child Marriage," *South Asian Studies* 36, no. 2 (July 2, 2020): 177–89, <https://doi.org/10.1080/02666030.2020.1821515>. Beyond South Asia, it is also useful to examine works on British and American childhoods to historicise child sexual abuse: Stephen Robertson, *Crimes against Children: Sexual Violence and Legal Culture in New York City, 1880-1960*, (Chapel Hill: University of North Carolina

The allegations of sexual abuse against Leadbeater were deemed less important by the judge who ruled in favour of Narayaniah in the High Court of Madras in 1913, in comparison to the custody rights of the biological father. Yet, the ambiguity of euphemisms and allusions used only added to the scandalisation of the case. The scandal emerged from accusations lobbed against Leadbeater by Narayaniah, who first heard from Besant's servant, Lakshman, about the inappropriate behaviour of Leadbeater towards Krishnamurti. There were several incidents that were brought up in court, which mostly focused on Leadbeater being caught bathing with a naked Krishnamurti. Narayaniah's case emphasised that it was considered inappropriate to bathe naked in Hindu culture. More disturbingly, however, Narayaniah testified that he had also stumbled across Krishnamurti and Leadbeater sleeping naked together. Any sexual acts, if committed, were not mentioned in court:

Narayaniah (N): [I] found Mr. Leadbeater and Krishna lying one over the other.

Narayaniah's lawyer (NL): Was Mr. Leadbeater dressed?

N: He had his shirt on.

NL: And your boy?

N: The boy was completely naked.

NL: I don't want you to speak out what you saw but write it on a paper and hand it over to His Lordship. What did you do?

Press, 2005); Adrian Bingham, Lucy Delap, Louise Jackson and Louise Settle, "Historical Child Sexual Abuse in England and Wales: The Role of Historian," *History of Education* 45, no. 4 (July 3, 2016): 411–29, <https://doi.org/10.1080/0046760X.2016.1177122>; Alyson Brown and David Barrett, *Knowledge of Evil: Child Prostitution and Child Sexual Abuse in Twentieth-Century England*, (Cullompton, Devon, UK; Portland, Or: Willan, 2002); Carol Smart "A History of Ambivalence and Conflict in the Discursive Construction of the 'Child Victim' of Sexual Abuse," *Social & Legal Studies* 8, no. 3 (September 1999): 391–409, <https://doi.org/10.1177/096466399900800306>; "Reconsidering the Recent History of Child Sexual Abuse, 1910–1960," *Journal of Social Policy* 29, no. 1 (January 2000): 55–71, <https://doi.org/10.1017/S0047279400005857>.

L: I flung open the door and went in. Both of them got up. The boy Krishna picked up his undergarment and tied it to his waist. And Mr. Leadbeater was trying to cover his part with his shirt.¹⁶⁴

With the silence in the archives, one can only guess at what could or could not be said in court or preserved in writing, as well as what could only be disclosed in writing to the judge and be excluded from the archives. This was not the only instance of unrecorded details in the testimonies given, which were seen as too explicit to be spoken out loud and written into the legal records. When asked about his advice on masturbation to young boys in order to stave off sexual relations, Leadbeater was also asked to write the exact details down for the judge instead of verbalising it.¹⁶⁵ These details were not recorded in the legal archives, and newspapers provided even fewer details than court documents. The secrecy around the details of the alleged sexual abuse only served to contribute further to the circulation of the scandal, since the actual truth of the scandal “is inimical to a scandal’s sustenance.”¹⁶⁶ Anjali Arondekar has demonstrated with Richard Burton’s “missing” 1845 Karachi report on male brothels in Sindh that its absence was central to the circulation of accounts of the report, because this rendered British male sexual deviance unspeakable, yet spoken simultaneously.¹⁶⁷ While the Privy Council papers on Krishnamurti’s case still exist, the core of the sexual abuse allegations still remains murky. The possibilities that emerge from the accounts of Leadbeater’s interactions with Krishnamurti was perhaps of greater concern to colonial authorities and critics rather than the truth of the matter, as a foil for British

¹⁶⁴ NA/PCAP 6/648, 106.

¹⁶⁵ *Ibid.*, 377.

¹⁶⁶ Anjali Arondekar, *For the Record: On Sexuality and the Colonial Archive in India*, (Durham, NC: Duke University Press, 2009), 33.

¹⁶⁷ *Ibid.*, 32.

heterosexuality and moral norms.¹⁶⁸ The perceived innocence of Krishnamurti was deemed to be corrupted in the incidents of sexual grooming by Leadbeater, but the ultimate unknowability of the incidents only further fanned the flames of the scandal.

Another reason for the notoriety of the case was the supposed deification of Krishnamurti, which was made even more controversial due to the mystic occultism surrounding Theosophy and went against the belief that that a child should have an exploratory upbringing. Theosophy, as a newfound occult religion, occupied an uncertain position in the clear delineation of major religions in colonial India. Both the colonial government in India and elite Indians regarded Theosophy with suspicion, since it was an esoteric and novel movement that saw rapid growth in membership in the early twentieth century.¹⁶⁹ As mentioned in chapter 1, Theosophy found a transcolonial and cosmopolitan following among Europeans who thought Eastern spirituality was the answer to contemporaneous anxieties in their societies, as well as some Indian intellectuals who saw their involvement in Theosophy activities as a means for exploring the synthesis of various religious traditions and in pursuing nationalist aims.¹⁷⁰ Julian Strube and Hans Martin Kramer have highlighted how Theosophy transcended political boundaries, with followers spanning from Europe to the Americas, South Asia to Southeast Asia.¹⁷¹ This added to the wariness that colonial authorities and Indian middle-class journalists had toward Theosophy. Theosophy in colonial India blurred the boundaries between secular politics and apolitical religious activities, which left the colonial authorities uneasy. The support of a workers' movement by Theosophists also threatened existing class structures.¹⁷² The opaque workings of the Society

¹⁶⁸ Ibid., 41. As Arondekar puts it, “pederasty becomes the narrative object whose recovery warrants more a scrutiny of its conditions of possibility than of the object itself.”

¹⁶⁹ Mark Bevir, ‘Theosophy and the Origins of the Indian National Congress,’ 100-3.

¹⁷⁰ Krämer and Strube, eds. *Theosophy across Boundaries*, 219-220.

¹⁷¹ Ibid.

¹⁷² Ibid., 232.

further fuelled scandalous rumours of cult-like rituals and immoral activities, which Krishnamurti was now a part of.

Krishnamurti was worshipped in the Theosophical Society as the next coming of Lord Maitreya, the bodhisattva who would become the future Buddha. Krishnamurti and his brother were adopted by Besant and Leadbeater in 1909 on the pretext that they would have their daily needs take care of, and receive education in English in order to go to Oxford University.¹⁷³ Yet, the priority of Krishnamurti's training was in preparing for his first Initiation to become a disciple under a Master. This training consisted of probation, which could last for up to seven years, and "acceptance", which was somewhat ambiguously defined as an unbreakable bond with the Master such that "the Master could no longer expel him from his consciousness." The requirements for the first Initiation were focused on achieving inhuman perfection: a perfectly healthy body, purity in mind and body, philanthropic, compassion, honesty, bravery and stoicism.¹⁷⁴ Krishnamurti was made to accompany Leadbeater to the Master's house "in astral form" every night for fifteen minutes, and then expected to write down what he had learnt the next morning, which was later published in a book, *At the Feet of the Master*. Krishnamurti was fourteen and a half years old when he entered the care of Besant and Leadbeater.¹⁷⁵ Narayaniah and his supporters criticised Besant and Leadbeater for eventually taking Krishnamurti out of school to focus on his Theosophical activities. They portrayed Krishnamurti as an innocent boy who was led astray by his caretakers and deified as an occult god, while his father had made an innocent

¹⁷³ In Leadbeater's exact words upon meeting the boys: "We have a very difficult job to do; we have to take these two boys out of an orthodox environment, change their diet, teach them physical exercise and Western methods of bathing. We have to take them away from school where they are being beaten by a master who ought to be selling bootlaces instead of being a teacher. There will be a lot of opposition to all this and yet it has to be done." Lutyens, *Krishnamurti: The Years of Awakening*, 23.

¹⁷⁴ *Ibid.*, 23.

¹⁷⁵ Krishnamurti was thought to be thirteen and a half years old when he first entered, which was later corrected. *Ibid.*, 22.

mistake in entrusting Krishnamurti and his brother to the Theosophists for English education.¹⁷⁶

The Construction of Age

One of the main points of Besant's appeal to the Privy Council after the Madras High Court ruling in favour of Narayaniah focused on the age threshold between childhood and adulthood, which was important in the decision on whether to send Krishnamurti back to his father as a child or allow him to make his own choice to stay with Besant and Leadbeater.

The argument over whether to place Krishnamurti into the age of minority or majority was a negotiation of where childhood ended and adulthood began, while the construction of the significance of numerical age was being steadily carved out in India at the start of the twentieth century.

The case took place in the context of historical changes in concepts of time, as well as the codification of age boundaries in colonial law. After a series of legal reforms from the 1820s to 1850s, English common law, which served as the starting point for age stratification in Indian law, was then propagated to India through the 1860 Indian Penal Code. The significance of age in the development of stratified categories in colonial India has not been addressed by many historians. One historian who has done significant work on the historicity of age is Ishita Pande, who asserts that "the ages of criminal responsibility and consent were set lower in India" due to assumptions about the inherent bodily differences between Indians and British people.¹⁷⁷ Indian bodies were understood by colonial experts to mature earlier

¹⁷⁶ *The Leader*, 17 April 1913, page 3: "We are glad the boys have been saved the peril of demoralising deification. They will now have to get on as boys in general do, without inflated notions of their past, present and future which can only be to their ruin. It does good to no one to have puja done to him or her. If the result of the judgement in the suit be that at least some of the men who have been hovering in the clouds will descend to solid earth, Mr. Narayaniah, who committed a blunder in handing over his boys to the care of outsiders, would not have fought the case in vain."

¹⁷⁷ Ishita Pande, *Sex, Law and the Politics of Age: Child Marriage in India, 1891-1937*, (Cambridge: Cambridge University Press, 2020), 14. Also see Pande, "Coming of Age: Law, Sex and Childhood in Late Colonial India,"

physically and socially, compared with the British. This led to the passing of the Majority Act in 1875, where an adult was defined as someone who had reached eighteen years of age or older in all circumstances except for marriage. However, as *Besant v. Narayaniah* proves, although age measurement was incorporated into colonial law from the late 1800s to the early 1900s, its implementation was less clearly defined.

Krishnamurti was a few months short of turning eighteen when Besant's appeal to the Privy Council was launched in 1913, to keep him under her care in England. The problem for the judges was that Krishnamurti had to be considered a minor for the eventual return to his father, Narayaniah, since there was no point in continuing the lawsuit if he would reach the age of majority midway through the proceedings. The Guardians and Wards Act defined minors according to the Indian Majority Act of 1875, which stated that the age of intellectual majority was eighteen years and above. Judges in London made an unusual exception in extending the period of minority for Krishnamurti, by changing the threshold of his age of majority to twenty-one years old instead. This reinterpretation of the norms of the age of majority aided in the judge's ruling that judgements made in the court on Krishnamurti and his brother's guardianship would still hold up while the trial lasted beyond his eighteenth birthday, since he was a minor and therefore a ward of the Court. The case's initial ruling suggests that the construction of age was not based on an exact distinction between childhood and adulthood, nor was it always tied to medical knowledge of bodily differences, but rather an evolving measurement that colonial judges could amend in court if they decided that circumstances called for it. The judge therefore opted to change the normative age that separated childhood and adulthood, which throws the stability of a predetermined 'natural'

Gender & History 24, no. 1 (April 2012): 205–30. Also see the 2020 AHR Roundtable “Chronological Age: A Useful Category of Historical Analysis,” (125, no. 2). Pande focuses on the 1929 Child Marriage Restraint Act (CMRA), which prevented boys under the age of eighteen and girls under the age of fourteen from getting married in any part of British India. Pande, *Sex, Law and the Politics of Age*, 8.

delineation between minority and majority into doubt, and reveals the malleability of its construction.

The debate over Besant's appeal also gives us an interesting glimpse into the changing numerical boundaries between childhood and adulthood. Besant argued that the High Court of Madras had no right to use the GWA or any other avenues to extend the age of Krishnamurti's minority to twenty one.¹⁷⁸ Besant's initial appeal expressed her dissatisfaction with changing the classification of Krishnamurti to a minor instead of an adult, and her attorney contended that an allowance must be granted only if there was pronounced mental "weakness" or unless there was "some absolute necessity for making such [an] order."¹⁷⁹ She stated that the initial outcome of the case was made only three weeks before Krishnamurti attained the age of majority, and it was thus unreasonable that he was still considered a child unless there were issues of "mental backwardness or the possession of property" present.¹⁸⁰ She stated that this decision to extend minority was made by the judge in order to keep Krishnamurti and his brother together, since separating them would be detrimental to their welfare. Besant was adamant that Krishnamurti was in "obvious" distress, and explained that "he is now 19 years old, quite capable of managing his own affairs and directing his own life, and yet it is proposed that, contrary to his strongest wish, [Narayaniah] should have the power to take his person and dispose of him like a chattel."¹⁸¹ Besant thus challenged the legal exception made to extend the minority of Krishnamurti, suggesting that the court's understanding of intellectual majority was somewhat flawed and inconsistent.

In addition, mentions of age were not simply limited to debates over colonial legal boundaries and the GWA. The issue of age was defined differently in Theosophical circles,

¹⁷⁸ NA/PCAP 6/48, 11.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid., 8.

¹⁸¹ Ibid

which was also mentioned in court. A speech given by Annie Besant at the Headquarters of the Theosophical Society in London in 1911 mentioned that the actual age of Theosophists is measured beyond their present age, since Theosophists believe in repeated reincarnations.¹⁸² As the future incarnation of Lord Maitreya, Krishnamurti was perceived to be crucial in the coming of the Lord, which meant that he had lived many lives prior to his current one.¹⁸³ As a result, while Krishnamurti was physically a child, he was seen by the Theosophists as an old soul. Besant thus asserted that the question of ages of minority and majority was of no issue to Krishnamurti's Theosophical training, because he was only a child in legal terms, but not in spirit. Debates over the delineation of majority and minority were thus further complicated by how Besant argued that Krishnamurti was past the age of minority, but he was still obviously treated as a minor in need of protection by the courts in the evidence presented and in the affidavits.

Besant's argument was dismissed by the Madras judge, who argued that Krishnamurti should still be considered a minor because of the possibly detrimental change in education and social positions, as well as the irreparable impact on his intellectual and moral development if he was abruptly removed from Britain. The final decision after Besant's custody appeal to the Privy Council in 1914 was based on jurisdiction, with no mention of minority age in arguing for or against the validity of guardianship. However, debates over age in the 1913 appeal to the Madras High Court played a significant role in determining custody before the case travelled to London. The concern over Krishnamurti's legal maturity was also

¹⁸² Ibid., 458-9. "In the Society length of service in one particular incarnation is of the smallest possible account. They are not young amongst us, although perchance they only entered the Society yesterday, if behind them they have a past of service [...] none should ever feel that so-and-so is a "new-comer," for age is measured by life and power of service, and not by the date that may be written on the diploma [...] you must remember that those who are young to-day, boys and girls, youths and maidens, young men and women, it is on them that the greatest burden of the coming work will fall [...] in the coming days, more workers will be wanted, many will come amongst us, apparently new, who are really old in the Master's service."

¹⁸³ Ibid.

tioned to his perceived ability to make decisions, but it is notable that Krishnamurti had no say in the court proceedings even if the Madras judge no longer considered him as a minor. The alteration of the minority in this instance supports the idea that despite colonial efforts to fix numerical age and the framing of Indians as having unreliable ages, these thresholds were being reshaped and discussed as part of a growing consensus on numerical age as the primary way in which age was understood.¹⁸⁴

Concluding Remarks

Debates centered around the core question of child protection defined a large part of *Besant v. Narayaniah*. The case took place at a crucial turning point in the histories of childhood in the British Empire. By the late nineteenth century, there was a growing focus on child rescue missions in Britain due to the changing notions of childhood as being increasingly idealised and carefree, which meant that children were categorised in a separate sphere from adults. This was similar in colonial India, but assumptions on childhood were challenged by colonial experts and elite Indians, who questioned the universality of childhood ideals. In *Besant v. Narayaniah*, one of the fundamental reasons for its scandalisation lay in questions over the protection of childhood. The juxtaposition of the innocent Indian child and the corrupted British sexual deviant was jarring and disturbing, but this emerged due to prevalent notions of child protection. The secrecy surrounding the details of the alleged sexual abuse only further propelled the scandal, since the possibilities only spurred on rumours even more. The premature deification of Krishnamurti was also in opposition to the acceptable upbringing of an Indian child, which was worsened by the opacity of Theosophy and its British adherents involved in the case. The details of the training revealed an unorthodox childhood that had been removed from the initial promise of an English education, which Narayaniah claimed

¹⁸⁴ Ishita Pande makes a similar point for the significance of the debates around the CMRA.

was the main impetus for handing over guardianship to Besant in the first place. Child welfare was thus a major focal point for the characters involved and the courts, but it is also important to note the absence of the boys' voices in the debates and decisions made over their lives. Despite this chapter being centered around Krishnamurti, the absence of the boys' voices demonstrates how children were silenced in colonial archives, allowing British understandings of childhood to ultimately dominate. It is also questionable the extent to which the colonial and metropolitan courts were genuinely concerned about child welfare rather than upholding the natural rights of the biological father, as the next chapter demonstrates.

Chapter 5 - Narayaniah: Custody Rights and Fatherhood

Child Removal and Custody Rights in Colonial India

While there was consideration of child welfare in the legal proceedings and its scandalisation in media, Narayaniah's role cannot be understated too. As the initiator of the lawsuit, the involvement of Narayaniah reveals how a seemingly straightforward case of child guardianship produced an unexpected outcome with regard to the legal rights of British and Indian fathers. While the "natural rights of the father" was key in the decisions made by the colonial courts, the metropolitan court decided in favour of Besant because the boys were residing in Britain, even though they were Indian. This was an exception to the usual trend of awarding guardianship to biological fathers, which demonstrates that the confluence of a case in which there was a British guardian, with issues of domicile and residence, could result in an unusual instance of a ruling that thwarted patrilineal rights. Additionally, assumptions about Narayaniah in court, which affected the judges' perceptions of his ability to be a good father, aligned with British stereotypes of Indian masculinity as inherently flawed and secondary to that of British men.

There has been limited historical literature on the legal history of child guardianship in colonial India, which has mostly been restricted to marginalized groups. These works deal with child removal and the denial of guardianship. In the late nineteenth century, the colonial authority attempted child rescue operations with female prostitutes and Hijras.¹⁸⁵ However, these interventions in domesticity were heavily limited, since the plan to remove girls from brothels failed. Although the colonial police forcibly removed children from Hijra households in northern India in what was framed as a child 'rescue' project, the colonial state did not, in

¹⁸⁵ The Hijras were feminine performers who often lived in discipleship-based households.

practice, attempt to 'reform' or educate removed children.¹⁸⁶ Young girls were also forcibly removed from Devadasi communities through court decisions due to the colonial government's labelling of Devadasis as prostitutes.¹⁸⁷ However, this was tied to the need for colonial authorities to regulate conjugality, which was the real root of the colonial judges' concern for the autonomy of the young girls.¹⁸⁸ Beyond research on child guardianship and custody that has examined how colonial governments denied guardianship to marginalized people based on heterosexual and family values, scholars have also written about the colonial construction of the definition of an 'orphan.'

Histories of orphans are valuable in understanding the state's role in child guardianship, especially as the term "orphan" often included children whose parents were alive but unable to care for them owing to poverty. In many cases, the construction of an 'orphan' was based on their parents' perceived morality, ethnicity and in particular, the issue of reproductive sexualities. Legal rights dictated who might be considered British, which were drawn from disparities between the coloniser and the colonized, as well as 'legitimate' family lineages, which determined what British identity constituted.¹⁸⁹ Satadru Sen also writes on how Indian orphans were exposed to colonial experiments to create knowledge about race and modernity. The colonial authorities were able to demonstrate their "increasingly scientific constructs of race," while their perception of the orphan as a blank slate allowed them to make a decision on whether or not the orphan should be adopted.¹⁹⁰

¹⁸⁶ See: Jessica Hinchy, 'Deviant Domesticities and Sexualised Childhoods: Prostitutes, Eunuchs and the Limits of the State Child "Rescue" Mission in Colonial India', in *Divine Domesticities: Christian Paradoxes in Asia and the Pacific*, ed. Hyaeweol Choi, Margaret Jolly, 247-279, (Canberra: ANU Press, 2014); *Governing Gender and Sexuality in Colonial India: The Hijra, c.1850-1900*, (Cambridge: Cambridge University Press, 2019).

¹⁸⁷ The Devadasis were young girls who dedicated their lives to a deity in a South Indian temple.

¹⁸⁸ Kunal M. Parker, "'A Corporation of Superior Prostitutes'" Anglo-Indian Legal Conceptions of Temple Dancing Girls, 1800–1914," *Modern Asian Studies* 32, no. 3 (July 1998): 559-633.

¹⁸⁹ Jane McCabe, *Race, Tea and Colonial Resettlement: Imperial Families, Interrupted*, (London ; New York: Bloomsbury Publishing, 2017).

¹⁹⁰ Satadru Sen, "The Orphaned Colony: Orphanage, Child and Authority in British India," *The Indian Economic & Social History Review* 44, no. 4 (December 2007): 474.

Additionally, legal histories in colonial India have to be examined in tandem with personal law, which has a complicated and intertwined history with the colonial import of English law.¹⁹¹ In addition, Sarah Abramowicz has written about the history of English child custody law, which is relevant to the analysis of the development of child guardianship law in colonial India in relation to the metropole.¹⁹² I seek to add on to the work of scholars in the field by highlighting how child welfare was also used by the authorities in courts to remove custodial rights from non-marginalised colonised people, such as Brahmins like Narayaniah.

¹⁹¹ Tahir Mahmood, *Personal Laws in Crisis* (New Delhi: Metropolitan Book Co., 1986); also see: Marc Galanter, "Hinduism, Secularism and the Indian Judiciary," in Galanter, *Law and Society in Modern India* (Oxford: Oxford University Press, 1990); Nandini Chattejee, 'Muslim or Christian? Family Quarrels and Religious Diagnosis in a Colonial Court', *The American Historical Review* 117, no. 4 (1 October 2012): 1101–22, <https://doi.org/10.1093/ahr/117.4.1101>.

¹⁹² Sarah Abramowicz, "English Child Custody Law, 1660–1839: The Origins of Judicial Intervention in Parental Custody," *Columbia Law Review* 99, no. 5 (June 1999): 1344–1392.

The “Natural” Rights of the Father

Besant v. Narayaniah raised questions on the nature of fatherhood in India as determined by colonial authorities, which was highly influential in the subsequent outcome of the case. The custody of the two boys was initially awarded to Narayaniah in the High Court of Madras during the 1913 ruling, but this was then revoked in the Privy Council at London in 1914. Child guardianship was linked to colonial assumptions of innate characteristics related to race and gender in colonial India, and this was no different in the initial 1913 ruling. Differing opinions on child welfare were a major point of debate surrounding *Besant v. Narayaniah*. The colonial government became concerned about child rescue projects in the early twentieth century, which was a shift from the previous focus on the rescue of women in colonial India.¹⁹³ Decisions on child guardianship in colonial India prioritised biological patrilineage, and judges almost always awarded guardianship rights to the natural father of the child. In addition, the child was generally removed from their mother or her extended family, and moved to children’s homes if the father was “incapacitated,” meaning that he was physically or mentally unfit to care for his children.¹⁹⁴ Yet, this case differed. While the two children were initially returned to their father, a further appeal to the Privy Council by Besant removed the children from their father once again. This exception to the trend of awarding custody to natural fathers deviated from the Madras High Court’s ruling. . The relationship

¹⁹³ Soni, “Learning to Labour: “Native” Orphans in Colonial India, 1840s–1920s,” *International Review of Social History* 65, no. 1 (April 2020); Satadru Sen, *Colonial Childhoods: The Juvenile Periphery of India 1850–1945*, (London: Anthem Press, 2005); Ishita Pande, *Sex, Law and the Politics of Age: Child Marriage in India, 1891-1937*, (Cambridge: Cambridge University Press, 2020).

¹⁹⁴ See *Audiappa Pillai vs Nallendran Pillai*, 28 Madras Law Journal (MLJ) 442 (1915), <https://indiankanoon.org/doc/1244402/>; (*Kode*) *Atchayya vs Kosaraju Narahari*, All India Reporter (AIR) 1929 Mad 8 (1928), <https://indiankanoon.org/doc/508184/>; *Dwijapada Karmakar vs Miss Baileau And Ors.* 34 Ind Cas 632 (1915), <https://indiankanoon.org/doc/848128/>.

between the children and their father was put under the spotlight, and this was tied to questions of whether the child could be raised adequately without their natural father.¹⁹⁵

The Madras High Court ruling fits into existing trends of guardianship rulings in favour of the father, but the Privy Council ruling differs especially in awarding custody to Besant even while Narayaniah was capable of regaining custody as their father. While British experts believed that the bond between parent and child was a “natural” one that was characterised by prevalent Victorian sentiments of familial intimacy, this bond was much more important to the upbringing of Indian children as compared to British children, according to colonial experts.¹⁹⁶ These experts claimed that the Indian child was in greater need of care from their biological parents, in terms of “natal tie[s]” and physical well-being.¹⁹⁷ This was affirmed by the judges in the 1913 ruling, who rejected Besant’s appeal and returned custody of the boys to Narayaniah since he was the natural guardian of the two Indian children.¹⁹⁸ The judge was adamant that Narayaniah could only be permanently replaced as the guardian by Besant if he was found to be “negligent, injudicious and faulty as the father of minors.”¹⁹⁹ However, this was not due to a major regard for child welfare, as the judges went on to cite precedents that focused more on the “natural rights of the father,” since Besant’s appeal claimed that the judge in the initial ruling followed English law rather than Hindu law. According to Besant, the former favoured the guardianship rights of the biological father more so than the latter. This was disputed by the Madras judges in the appeal, who

¹⁹⁵ *Besant vs Narayaniah*, 16 BOMLR at para. 4; *Mrs. Annie Besant vs G. Narayaniah*, 25 Madras Law Journal (MLJ) 661 (1913) at para. 2, <https://indiankanoon.org/doc/1214788/>.

¹⁹⁶ Sen, *Colonial Childhoods*, 12, 39.

¹⁹⁷ *Ibid.*, 39.

¹⁹⁸ “It is there laid down that the Court of Chancery cannot decide upon the custody of infants simply with reference to what is most for their benefit and cannot interfere with the rights of a father, unless he so conducts himself as to render it essential to the safety and welfare of the children in some serious and important respect, either physically, intellectually, or morally, that they should be removed from his custody.” NA/PCAP 6/648, 444.

¹⁹⁹ *Ibid.*

countered that both English and Hindu laws did not differ in the treatment of the custodial rights of the biological father.²⁰⁰ The emphasis in the judgment remained on the natural rights of the father, and it was the ability of Narayaniah to care for his children that was at issue, rather than the welfare of the boys per se.²⁰¹

Yet, it is also worth wondering why Besant and Leadbeater were denied custody of the boys, despite the presence of racial hierarchies in colonial India that did tend to favour the British in general in their encounters with the courts. Besant and Leadbeater were perceived by the courts as surrogate mother and father figures for Krishnamurti and his brother, and the circumstances for returning custody to Narayaniah was possibly further complicated by Besant positioning herself in a maternal role to the boys in letters, as well as her general public persona. Krishnamurti referred to Besant as “Mother” in his letters, and this was especially poignant considering the premature death of his mother when he was a child. However, the necessity of a surrogate mother was never under consideration in courts, since the father was the default guardian of the child. The importance of patrilineage in guardianship laws almost always took precedence over the mother’s rights to her children in colonial India, as well as in Britain. The omnipresence of the “natural rights of the father” in the rulings and court documents demonstrates how motherhood was rendered invisible in courts.

Judging Narayaniah

The final ruling of the Privy Council in 1914 was a curious anomaly, however, compared to the 1913 ruling and appeal rejection. The metropolitan court ruled in favour of child welfare and jurisdiction, rather than the “natural rights of the father” in the 1913 judgment. The focus

²⁰⁰ Ibid., 446-7.

²⁰¹ “The Defendant contended with reference to my judgment on the question of jurisdiction that [...] the Court would look solely to the welfare of the infants. I cannot accede to this. I do not think that the Courts in Equity have ever proposed to look solely to what appears to them to be the welfare of the infant, without regard to the natural rights of the father[...] natural rights must be recognised and considered.” Ibid., 447-8.

on child welfare and jurisdiction, however, perhaps obfuscates the entrenched power hierarchies between coloniser and colonised, and between metropole and colony, which were shaped by race and class. An example in this case was Narayaniah's inability to travel from colony to metropole to fight for his children in the Privy Council appeal. The final ruling in favour of Besant was possible only because the case was transferred out of India to the metropole, and the Privy Council's decisions in London overruled prior legal reasoning in colonial India which prioritised the natural rights of Narayaniah.

The case shows how colonial and metropolitan courts had differing opinions on domicile, as well as the varying extents of guardianship powers that Indian and British fathers possessed.²⁰² Jurisdiction-related arguments were central to subsequent appeals by Besant against Narayaniah and the verdict of final ruling. Besant questioned the validity of the colonial courts' judgements due to the complexity of the case, which was caused by the boys' British residence. In an appeal to the Madras High Court in August 1913, Besant drew upon precedent from earlier cases concerning territorial jurisdiction, to argue in the Madras High Court that Indian courts had no right to make decisions for minors who resided outside of the colony.²⁰³ The judge retorted that despite the boys' overseas residence, a fair judgement required the consideration of domicile and "the fact that they are Indians," and Besant had misinterpreted the clauses in her appeal in her use of precedents from dominions.²⁰⁴

Guardians appointed in jurisdictions in dominions or colonies "had no direct authority" over

²⁰² A country of domicile was considered the permanent legal residence of a British subject.

²⁰³ 'Mrs. Besant's Appeal', *The Leader*, 20 August 1913, 4. Besant: "[...] domicile had nothing to do with the question of jurisdiction, and that if otherwise held, it would mean that the High Court could have jurisdiction over a minor resident in the self-governing colonies [which] would then come into conflict with various emigration laws." See also "Mrs. Besant's Appeal," *The Times of India*, 13 August 1913, 8. The article states Besant argued that Sir Trevelyan's 'On Minors' "laid down that a guardian could not be appointed for a minor outside British India, for the courts must be able to reach minors. The Guardians and Wards Act provided safeguards against the guardian removing the ward out of the jurisdiction of the Court, and this showed the anxiety of the courts to have minors within their jurisdiction."

²⁰⁴ "Mrs. Annie Besant v. Narayaniah," *All India Reporter Madras*, 1915, 161. A 'dominion' refers to a self-governing colony (Australia, New Zealand, Canada, etc.) under the British Empire, which allowed for more political autonomy.

their wards if they resided in Britain. In 1913, the court declared that while it had opted to recognise foreign guardians in some previous guardianship cases, there were no official amendments to existing laws. By comparing the authority of the father in guardianship appointments between England and India, Judge Bakewell highlighted how British fathers almost always had custodial rights over their children, even if they were residing outside of Britain.²⁰⁵ The Privy Council ruling was dismissed because the boys were outside the jurisdiction of colonial Indian courts, which meant that Indian fathers were not granted the same rights as British fathers.²⁰⁶ This discussion on jurisdiction highlights the importance of residence and belonging in custodial decisions. British fathers were considered to be entitled to the involvement of British courts in obtaining custody of their children, regardless of where they resided in the British Empire. However, Indian fathers were excluded from this universal right to guardianship, proving that their rights were legally secondary to that of British fathers. Furthermore, it demonstrates how colonial law facilitated the mobility of British men and their families throughout the Empire, while restricting the movement of Indian fathers and families to the colonies. *Besant v. Narayaniah* demonstrates that legal exceptions were made for white English people with ties to the metropole, such as Besant and Leadbeater.

Nandini Chatterjee has written about a similar case on custody and fatherhood, which makes for a useful point for comparison to understand how judges in India and England dealt with child guardianship and the role of the father.²⁰⁷ The case, *Skinner v. Orde*, centered around the right to custody over a teenage girl, Victoria Skinner, which travelled from the

²⁰⁵ “Mrs. Annie Besant v. Narayaniah,” *All India Reporter Madras*, 1915, 162. Judge Bakewell: “Would the fact that an infant was resident out of England in itself deprive the courts in England of power, on the application of a father domiciled and resident in England to appoint a guardian of the person of the non-resident infant? The answer is surely ‘no’.”

²⁰⁶ “Besant vs Narayaniah,” *Bombay Law Reporter* 16 (1914): at para. 11.

²⁰⁷ Nandini Chatterjee, “Muslim or Christian? Family Quarrels and Religious Diagnosis in a Colonial Court,” *The American Historical Review* 117, no. 4 (2012): 1101–1122.

Allahabad High Court in 1870 to the JCPC in 1872. The major commonality between *Besant v. Narayaniah* and *Skinner v. Orde* was the eventual appeal of the initial custody decision in the Privy Council, which was exceptional.²⁰⁸ Victoria Skinner was thirteen years old when her deceased father's family accused her mother, Helen Skinner "of serious immorality," since Helen had begun to cohabit with John, a man who had converted from Christianity to Islam. Helen also converted and the fear that Victoria would become a Muslim led the plaintiffs to file a suit against her mother in a district court in Meerut. The initial outcome handed guardianship of Victoria to her great aunt, Sophia Skinner. Helen subsequently filed an appeal to the Allahabad High Court, which upheld the judgment of child removal and handed over guardianship to a boarding school mistress. Victoria's mother then took the case to the Privy Council, which did not overturn the previous rulings, based on maintaining religious equality. The judges proclaimed that the child's religion had to be the same as their father's religion, even if the father had expressed no explicit wish as to the preferred religion for his child.²⁰⁹ The importance of the "natural rights of the father" was key in this case since Victoria's father was dead, and he had left no instructions for the religious education of Victoria. Chatterjee traces the origins of the uneven parental rights of the father to Britain, where the Custody of Infants Acts of 1839 allowed mothers to appeal for the guardianship of children on the condition that they had not been deemed guilty of adultery.²¹⁰ Under this 1839 law, the default authority on a child's upbringing was always their father. British guardianship laws made their way to British India, where Act XL of 1858 affirmed the father as the primary guardian of his children. However, Victoria's case had no precedent in the metropole or in India, since her father had left no instructions for her religious upbringing. The judges in

²⁰⁸ Ibid., 1101-2.

²⁰⁹ Ibid., 1109.

²¹⁰ Ibid., 1109-10.

India and London interpreted the laws to “act in the ‘best interests’ of the child’s welfare” by determining that Victoria should remain a Christian like her deceased father, and that her mother had no rights to convert her to Islam.²¹¹

By 1914, however, *Besant v. Narayaniah* seemed to have thwarted this absolute patrilineal power over the guardianship of children, and the determination of the child’s welfare. The ruling of the Privy Council in Besant’s favour rejected the previous judgments in favour of the father’s guardianship rights, despite the father being alive and alleging that the guardians involved in Krishnamurti and his brother’s care were “immoral.” The judges decided that despite agreeing with the rights of the natural father, the Indian courts had no jurisdiction over the boys since they were residing in England. There were some key differences in the two cases that most likely played a role in the opposite outcomes of the cases. Krishnamurti and his brother had been living in England for a few years, while Victoria Skinner resided in India. Victoria’s father was Christian, but Narayaniah was a Brahmin Hindu who practiced Theosophy. Victoria’s guardians were her distant relatives, and Krishnamurti and his brother were in the custody of non-relatives in the Theosophical Society. Krishnamurti’s mother was deceased, while Victoria’s father was deceased. Yet, in both cases, the colonial Indian courts had prioritised the guardianship rights of the father above all else. The difference in the Privy Council judgment can be chalked up to several factors, such as the residence of the boys, the British guardians involved, as well as the occult religion of Theosophy, which was not a main religion in colonial India and hence fell outside the normal realms of personal law. These reasons were sufficient in allowing British judges to override the rights of the biological father to rule in favour of non-relatives. This demonstrates how patrilineal norms in the British Empire could be shaky in exceptional

²¹¹ Ibid., 1110.

circumstances, where colonial judges and metropolitan judges disagreed on the absolute primacy of the custodial rights of the father. *Besant v. Narayaniah* was important in showing how guardianship rights and fatherhood could be altered when metropolitan judges held greater sway over the final appeal, which Besant took advantage of in her strategy of forum shopping. Forum shopping refers to the endeavor to move a case into another jurisdiction that might yield a better outcome, if there is uncertainty regarding the prevailing jurisdiction.²¹² While Mitra Sharafi has documented the failure of case studies in marital law between colonial Bombay and London, *Besant v. Narayaniah* represents a rare example of a success in "jurisdictional jockeying" by the litigants.²¹³

Narayaniah's ability to be a good father was linked to his character, which was brought up repeatedly in the courts by both Besant and the judges involved. The interpretation of Leadbeater's alleged sexual abuse incidents was remarkably different from Narayaniah's treatment of his children. While Leadbeater was perceived to be immoral in his opinions on regulating the emergence of sexual desire in young boys through masturbation, he was not seen as inherently flawed in character and temperament in courts. However, Narayaniah was thought to be fundamentally inferior to Leadbeater and Besant in social standing, emotional regulation and intelligence, which was a key point for the defence of Besant and subsequent appeals. Besant's attack on Narayaniah centred around his inconsistencies in recounting incidences and lack of complete honesty in court, as well as his neglect of the boys and his innate inability to be assertive. On a broader scale, the unequal comparison between a British and Indian man can be broadly tied to the links to fatherhood,

²¹² Mitra Sharafi, "The Marital Patchwork of Colonial South Asia: Forum Shopping from Britain to Baroda," in *Law and History Review* 28, no. 4 (2010): 979–981.

²¹³ Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400–1900*, Studies in Comparative World History, (Cambridge: Cambridge University Press, 2001), 12-14.

assumed racial stereotypes and ideals of masculinity within the context of *Besant v. Narayaniah*, which was key in contributing to the scandalisation of the case.

Narayaniah's right to regain custody of his children as their biological father was called into question with criticisms of weaknesses in his character and self-control. This was not limited to Besant's attacks on his ability to parent, but assumptions of his temperament were also made by the judges in charge of the case in both Madras and London. In Madras, Judge Bakewell described Narayaniah's demeanour on the witness box as indicative "of an emotional temperament, prone to tears, and not capable of much self-control," whom Bakewell suspected to be "a jealous and suspicious father" from his conduct and attacks on Besant and Leadbeater." The judge proclaimed that since Narayaniah was an orthodox Brahmin, he "would be naturally suspicious that a European might lead his sons into some violation of the caste rules and would be tempted to spy upon [Leadbeater's] conduct."²¹⁴ The judicial critique of Narayaniah as an overly protective and paranoid father was attributed to his caste, which was in turn telling of British observations of high-caste Hindu men, as stereotypically effeminate, deeply conservative and unreasonably wary of outsiders.²¹⁵ This rendered Narayaniah somewhat unsuited to raise his children in the eyes of the British, but his attitude towards fatherhood was seen as a natural extension of his personality as overly emotional. These observations of his personhood could be contradictory at times, with Judge Bakewell describing Narayaniah as "a man of no particular strength of character, emotional, possibly somewhat hysterical, and swayed one way or the other by the impulse of the moment," suggesting that Narayaniah was impulsive and hot-tempered. However, the judge

²¹⁴ NA/PCAP 6/648, 590.

²¹⁵ See Sinha, *Colonial Masculinity*.

then went on to describe his temperament as “reticent and retiring.”²¹⁶ This observation that seems self-contradictory is unsurprising. Although Narayaniah was the plaintiff in the case and a supposed victim who placed too much trust in Besant and Leadbeater, he was seen as weak-willed and prone to emotional outbursts, essentially infantilising the colonised. However, this was also tempered by Narayaniah’s supposedly natural “habits of subordination to and trust in European superiors,” who were key in tempering his unregulated passions and thus shaped his overall demeanour of a mostly demure and quiet front in court.²¹⁷ Coloniser-colonised power dynamics were very much focused on maintaining a delicate balance between taming the apparently inherently emotional nature of the colonised, but also ensuring that the binary between coloniser and colonised stayed firmly in place. This meant that Narayaniah was subjected to discourses on masculinity and effeminacy, rendering him docile and meek in the eyes of the British.

In the appeal judgement of 1913 in Madras, Besant was judged to have “deviated from common honesty” by “ordinary standards,” since she lied to Narayaniah about being forced to take the boys to Europe when she was, in fact, voluntarily doing so.²¹⁸ On the other hand, Narayaniah was perceived as not “a man of any special intelligence,” and the judge suggests that the manner of writing in his letters show that he was overwhelmed by his position as Assistant Correspondence Secretary at the headquarters of the Theosophical Society.²¹⁹ The difference in the agency accorded to Besant and Narayaniah is indicative of the different moral standards and status they were held to. Narayaniah was assumed to be

²¹⁶ PC 648 “[...]the only defect which the defendant would attribute to him is a liability to unthinking outbreaks of passion. His letters and evidence do not suggest that he is a man of any special intelligence or was in any particular degree fitted to cope with the difficult position, complicated by considerations of religion and delicacy, in which he was placed. It will be material in the sequel that his progression would lead him into habits of subordination to and trust in European superiors, which would naturally prevail in his subsequent relations with the defendant and Leadbeater.”

²¹⁷ Ibid.

²¹⁸ Ibid., 1088.

²¹⁹ Ibid., 1086.

naturally inclined towards subordination and “unthinking outbreaks of passion,” which corresponded to colonial perceptions of the colonised.²²⁰ This was very much unlike Besant or Leadbeater, whose actions were deemed to be somewhat representative of their character, but they were not condemned as inherently malignant, since they were British.

Beyond Narayaniah’s temperament, criticism was also levied at his treatment of the boys as another reason for their custody to remain in Besant’s hands. Besant and Leadbeater claimed that they were rescuing the boys from a dismal upbringing, which started when Leadbeater decided to adopt them after noting that there were “unmistakable signs of physical, moral and mental neglect” under the care of Narayaniah.²²¹ In 1909, Leadbeater observed that Krishnamurti and his brother were being caned unfairly at school, and noted that “their astral bodies had been very much disturbed.” Narayaniah wrote to the schoolmaster to implore for the school to cease corporal punishment, but Leadbeater was adamant that it did not suffice and removed the boys from school, subsequently placing them into Besant’s care and homeschooling the boys.²²² The boys were thus claimed to be rescued from the state of being “painfully emaciated and much neglected in their education,” by Besant and Leadbeater, in order to be properly educated in English.²²³

Concluding Remarks

As the plaintiff and the biological father of Krishnamurti, Narayaniah’s involvement in *Besant v. Narayaniah* revealed how this scandal of child guardianship was linked to the custodial rights of Indian fathers and issues of jurisdiction. The so-called “natural rights of the father” was a key topic of discussion in the courts, since patrilineal rights were almost always prioritised in guardianship cases. The proceedings in the Indian courts fit within this

²²⁰ Ibid.

²²¹ Ibid., 86.

²²² Ibid., 371

²²³ NA/PCAP 6/648, 1912 Chingleput Pleint, 9.

existing trend of granting custody to fathers, which disadvantaged Besant even though she positioned herself as a loving mother. However, the final appeal ruled in favour of Besant, which was a deviation from the usual decisions in favour of the father. This can be attributed to the transfer of the case from India to the Privy Council in England, which can be compared to *Skinner v. Orde*, just fifty years ago. The *Skinner* case awarded custodial rights to the deceased father's relatives, and the Indian and British courts agreed that patrilineal rights were more important than the lack of any will left behind by the father, as well as the living mother's rights to custody. *Besant v. Narayaniah* shows that there could be exceptions made to this absolute power attributed to patrilineal rights. I suggest that the rights of the father could be shaky under exceptional circumstances, such as British guardians, Theosophy and the present residence of the boys. Narayaniah's ability to act as a father was also called into question during the proceedings, and this was related to the different expectations and assumptions placed upon Indian and British men. Overall, this demonstrates how the seemingly equalising and participatory space of the court was ultimately subsumed by larger legal biases that favoured the British, especially in the metropole.

Chapter 6 - Conclusion

This thesis has focused on the scandal of *Besant v. Narayaniah* over the course of the trial, positing that the core of the scandal revolved around navigating complex colonial tensions and negotiations of colonial definitions and norms at the outset of the twentieth century in colonial India and the rest of the British Empire. This thesis shows how concerns about feminism, motherhood, sexuality, child welfare, and patrilineal rights in the British Empire led to the legal and public controversy surrounding the case. I contend that, despite the case's uniqueness and high-profile character, the crux of the controversy lay in the contentious negotiation of colonial dichotomies and hierarchies of power that were beginning to take shape at the beginning of the twentieth century. Although the colonial subjects engaged in the case originally succeeded in contesting colonial interpretations of guardianship law, the discussions and outcome of the case reinforced the broader biases that the colonial legal system that favoured the epistemes of the colonial state.

For instance, the chapter on Besant investigates how her representation as a 'maternal imperialist' raises questions on whether and how a British woman could take Indian children from their father, and keep custody. By adopting the boys, she cemented her motherly role with their mother gone, and she positioned herself as their guide, defending her stance in court and the media to safeguard her maternal political image in India. Besant's Theosophical involvement also added complexity, since her Theosophical ties and political engagement made her controversial in the Madras High Court. Besant's introduction of Theosophy into legal proceedings pushed personal law boundaries within colonial courts, ultimately resulting in the loss of guardianship. However, she adeptly utilized the Empire's court system and appeals, leading to the Privy Council's jurisdiction-based ruling in her favour. While the proliferation of Theosophists in colonial India challenged power dynamics, influencing the decision of the court to reunite the boys with their father instead of continuing Theosophical

education, Theosophy's role differed in British discussions and was viewed as a distant concern, which aided Besant.

The colonial Indian government aimed to uphold racial hierarchies and divisions between colonisers and the colonised, often using sexual regulation. Deviant sexuality, exemplified by Leadbeater, was linked to perceived immorality. *Besant v. Narayaniah* revealed how British male sexual misconduct could escalate into a scandal, with differing interpretations and consequences in courts and newspapers across the empire. Leadbeater's sexual scandal exposed the limitations of the colonial state's control over the reputation of white men in colonial India, especially when reported by English-educated Indian elites through newspapers. Yet, Leadbeater was not charged with a crime despite eyewitness accounts of inappropriate behavior with the boys in colonial India. However, Indian newspapers criticized Leadbeater, Besant, and Theosophy, which they perceived as corrupting influences on Krishnamurti and Nityananda. The notion of a British man's improper conduct with an Indian boy triggered outrage, leading to questioning of Theosophical Society's freedom to operate in colonial India. Leadbeater's involvement in the sexual scandal had wider implications beyond colonial India, impacting the broader British Empire. While the Indian media focused on the perceived corruption of Krishnamurti and his brother's upbringing and the immorality of British colonisers, Australian tabloids condemned Leadbeater's homosexuality and scrutinized Theosophists due to their syncretic religious practices, which was seen as a challenge to Christianity's dominance. Leadbeater epitomized concerns about Theosophy, justifying scepticism toward the occult movement. In contrast, the metropole's coverage was less extensive. British newspapers highlighted child guardianship legality, avoiding reference to the sexual scandal involving Leadbeater and Besant. The focus was on preserving British respectability in India and showcasing the case as a successful child rescue mission.

A significant portion of the *Besant v. Narayaniah* case revolved around debates regarding child protection and welfare. The case unfolded during a pivotal moment in the history of childhood within the British Empire, where child rescue missions took off in Britain and India as childhood became increasingly idealized and distinct from adulthood. Child protection was a central concern that contributed to the scandal of *Besant v. Narayaniah*. The contrast between Krishnamurti, the innocent Indian child, and Leadbeater, the morally corrupt British figure, was unsettling to elite Indian elites, and the secrecy surrounding alleged abuse exacerbated the scandal, fuelling rumours. The premature idealisation of Krishnamurti clashed with accepted norms of raising Indian children, since his unconventional upbringing in Theosophical training instead of formal education diverged from the initially promised English education that led Narayaniah to entrust Besant with guardianship. Child welfare was thus discussed centrally within the legal proceedings. Yet, whether the colonial and metropolitan courts were genuinely focused on child well-being or if they were more focused on prioritising the biological father's natural rights, the voices of the boys themselves in the discussions over their guardianship were absent throughout the trial.

Narayaniah's role as both the plaintiff and the biological father of Krishnamurti brought to light how the scandal over child guardianship was intricately tied to Indian fathers' custodial rights and matters of jurisdiction. The concept of the "natural rights of the father" became a focal point in court discussions, as paternal rights were typically prioritized in custody disputes. The legal proceedings in the Indian courts aligned with this prevailing trend, awarding custody of the boys to Narayaniah. However, the final decision favoured Besant, deviating from the usual pattern of siding with the father. This shift can be attributed to the case's transfer from India to the Privy Council, underscoring that there could be exceptions to the prevalent emphasis on paternal rights' absolute authority in the metropole. Moreover, Narayaniah's

ability to fulfil his role as a father was questioned during the proceedings, revealing disparities in expectations and assumptions imposed on Indian and British men.

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